

**METROPOLITAN AREA PLANNING COMMISSION**  
**MINUTES**

**January 4, 2001**

The special meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held Thursday, January 4, 2001, in the Planning Department Conference Room, 10<sup>th</sup> Floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Chris Carraher, Chair; Jerry Michaelis, Vice-Chair; Frank Garofalo, Bud Hentzen, Bill Johnson, Ron Marnell, Susan Osborn-Howes, George Platt, Ray Warren, Richard Lopez, John W. McKay Jr., Harold Warner, Jr., and James Barfield. Staff members present were; Marvin S. Krout, Secretary; Donna Goltry, Alan Morrison, Tonia Fairbanks, Rian Harkins and Valerie Robinson, Recording Secretary."

**1. Unified Planning Work Program/proposed amendment to budget.**

**CHRIS CARRAHER:** "Let's move right into the Unified Work Program/proposed amendment to the budget. I'd like to yield the floor to Mr. Krout at this time."

**KROUT:** "You have a memo on this item in your packet. As you know, the Metropolitan Planning Commission sometimes wears the hat of the Metropolitan Planning Organization, which is the transportation planning function, all Federal funds flow through the MPO officially, and annually we adopt a budget. What we are asking you to do is approve a budget amendment here that would move money from unspent salaries. We have had three vacant positions in transportation planning for sometime, and so we are not able to accomplish everything we would like. So we want to move the money over to contractual, so that we can negotiate with engineers to hire them to do a couple of different studies. Those are listed in the memo to you, "One is "Access Management Guidelines." I think we have Planning Commissioners representatives, on the Access Management Committee that was established by the City Manager a number of months ago. They met a couple of times, we ran into some problems with not being able to hire a consultant. We postponed meetings for a while. Now we have negotiated with a consultant, we have a contract that is pending at City Council to work on Access Management Guidelines with that committee. Officially, we need to move money from salary to contractual in order to fund that study. Federal transportation funds have already been provided for transportation planning, but we need to move them into another category. The second study we are negotiating with an engineer on is a study that would look at whether or not it was a good idea to work with property owners and Neighborhood Associations along the path of the Burlington Northern Santa Fe Railroad, from I-135 Canal Route, east along what would be along 17<sup>th</sup> Street, between 21<sup>st</sup> and 13<sup>th</sup> Street, out to the County line, in terms of whether the feasibility and the cost and what kind of design features to build into trail, if the City Council and the County Commission decide that they want to rail-bank that right-of-way. The right-of-way has not been officially abandoned, but it is expected to be abandoned within the next four to six months. At that point, the City and the County will both be asked whether or not they object to the abandonment and if they have an interest in rail-banking that right-of way. This is on the official plan, but we think that we need to work with affected property owners and Neighborhood Associations along that route to see: (1) if there is support. (2) what kinds of issues do they have that need to be addressed in a design? A total of \$80,000.00 dollars that would be transferred from salaries unspent to contractual in order to do these two studies. I will try to answer any questions you have. Alan Morrison from the Transportation Planning section is here also."

**MCKAY:** "Do you know whom, off the top of your head, from this Commission is on that committee?"

**KROUT:** "I do not remember. Does anybody? It must be somebody who is not here, let's see."

**MCKAY:** "I think we talked about it, but because of the delay I do not think there was anybody appointed."

**KROUT:** "You were, John, I think. I do not remember; we will go back to the notes. Alan, do you have the list of people? No, we will get back to you and let you know. We were hoping to have City Council approve the contract and then have the consultant get going and have a committee meeting in February, so we will find out who it is and let you know."

**MCKAY:** "If it is me, please let me know."

**CARRAHER:** "Are there any other question? Yes, Mr. Warren."

**WARREN:** "I do not have any real problem with the transfer of funds that have been recommended here. I would like to know the status of that railway right-of-way in terms of its right-of-way, and would it be diverted back to property owners in all probability? Then are we talking about buying it? What is the status of that right-of-way?"

**KROUT:** "We have assumed, although we have not done the legal research that it was just originally an easement, like many other railroad rights-of-way, and that the property would otherwise revert to joint property owners, just like street right-of-ways if it is vacated it would revert to adjoining property owners. Alan, do you know, did you or Dan do anymore digging with the Property Manager about that question? About the question of whether or not any of the railroad property along the BNSF Corridor is owned in fee-simple vs. some easement."

**MORRISON:** "We won't be able to make that determination until the railroad provides us with those records. We are assuming it is right-of-way at this point. It does not mean it is functional."

**KROUT:** "Typically there are underlying rights."

**CARRAHER:** "Sir, could I get you to state your name and position for the record please?"

**ALAN MORRISON:** "Alan Morrison, I am Associate Planner for the Metropolitan Area Planning Department."

**WARREN:** "I guess my problem is that I hate to see us make a study of a piece of land that we are not committed to go buy if we have to. We are going to spend I do not know how many thousands of dollars studying the thing. However, if we are not committed to the purchase of it so that we can go ahead and condemn it and make something out of it, why then the study itself is fruitless."

**KROUT:** "The process of rail-banking does not involve purchasing the land. The process of rail-banking as passed by Congress, is a way to preserve corridors for possible future rail or other transportation purposes, and in the interim period, they can be used as bicycle trails. That is what typically has happened."

**WARREN:** "That is being litigated now, and has been litigated once as not probably being constitutional."

**KROUT:** "We will be glad to share the law with you at some other time. There are some state laws as well as federal laws regarding the issue, and I would rather do that at another time if we can."

**CARRAHER:** "Are there any further questions?"

**HENTZEN:** "Just a comment, first of all, I am very much in favor of a specific access management program. I have been looking at that as I drive around over the holiday. Sometimes when you turn a corner and the first drive into a store or a filling station is only 10 feet away from the corner, you are trying to get in there and you got the whole corner tied up. So what I am saying to you is, I am very much in favor of an access management."

**KROUT:** "We will make sure you are on the committee."

**HENTZEN:** "I do believe the earlier you do that in undeveloped land, the easier it is to do. I believe that there can be some massaging of stuff that is already developed along the line. The other thing I want to say, Marvin, was if we are just going to use that \$40,000 for that program to present one side of this picture of rail-banking or bicycle paths, then you touch on a tender point. I think Ray alleged that. What are the legal rights to the land, past owners or City or whatever? I am saying I will not try to vote for this thing. But if all you are going to do with it is present one side of it and pay the people that present one side of it then it doesn't encourage me all that much."

**CARRAHER:** "Did you wish to respond, Mr. Krout?"

**KROUT:** "Some of you may recall that we were involved with the Rails to Trails project that is going on in Reno County, and it ended up that the County decided as a policy that they were not going to be interested. The City of Wichita decided for a little while that maybe they were interested in the idea, and finally it was dropped. I think we have learned some lessons from that effort. The main thing being to contact property owners early on to find out if and how something like that would work and to find out how much opposition there is. I think that is what elected officials are going to expect, both the City Council and the County Commission. This is largely a public participation process to try to get the elected officials the information as to what are those feelings that are out there. Then, if seems like a good idea, what would it look like and how much would it cost."

**CARRAHER:** "Are there any further questions from the Commission? Is there anyone in the audience who is here to address this item? Because, I will move it back to the Commission. What is the pleasure of the Commission?"

**Motion:** I will make a motion to approve the amendment to the fiscal year Unified Planning Work Program as presented, and I think your comment on the \$80,000.00 as presented."

**HENTZEN** moved, **GAROFALO**, seconded the motion, and it carried unanimously (11-0). (Tape 143 1A)

## **2. Public Hearing to consider adoption of the Delano Neighborhood Revitalization Plan as an element of the Comprehensive Plan."**

**CARRAHER:** "Mr. Harkins, the floor is yours."

**RIAN HARKINS:** "Rian Harkins, Planning staff. As the projector screen is warming up, I need to make a couple of house keeping items aware to you. One is I know some of you, when we set the Public Hearing date at the beginning of December, were not here, so you did not receive a copy of the final draft. If you do not have one we can get one for you. I just need to know before we begin. The other is that we were informed by legal council, by the City's law staff, yesterday morning that because the publication date for the Public Notice for this hearing was not within the statutory requirement of 20 days that we would have to republish the Public Notice. That essentially means while we can present the plan to you today, you can take comments and ask questions, but you can not actually take a vote on this plan. The republished hearing date has been set for February 8, 2001. At that point, legal council has told us if you take a vote, it would be within statutory requirements. That also means that in terms of scheduling the governing bodies of the City and the County would hear this plan at the end of February, on the 20<sup>th</sup> and the 21<sup>st</sup>. Any questions about this?"

**WARREN:** "I have some strong concerns about some phases of this. So when do you want to talk about that? Is that something that the Commission needs to delay? If there are concerns which have legitimate of basis for consideration, why I think we need to give staff all the time in the world to maybe correct or..."

**KROUT:** "This could be an opportune time for questions and comments, give us a month to come back with any answer that we do not have today or possible changes. I would say that that should come after the Public Hearing this afternoon, then we could register your comments and it will all be a part of the record, and we will have a chance to respond next month."

**HENTZEN:** "Mr. Chairman, if we had the Public Hearing today, do we have to have another one?"

**KROUT:** "We have to legally have another one that is advertised 20 days in advance in The Eagle. There was not enough time to inform the neighborhood about the change."

**HENTZEN:** "I accept that, but if this cannot be a Public Hearing, and we have to have it again, then I would like to have the Public Hearing on the date we vote. I want to tell you I tried to read it, and I did spend quite a little bit with it. It is a lot of good stuff in here. I would encourage everybody to get the hearing date right, and give us time to study it a little bit. I do not think we need to have two Public Hearings."

**KROUT:** "Probably the people who are here today will speak today, and probably will not have anything or very little to say a month from now."

**HENTZEN:** "That is just what I was gonna ask."

**KROUT:** "But we will be required officially to open it up a month from now."

**HENTZEN:** "We can have the Public Hearing and recess it, and then come back and have the rest of it. All I am saying is I do not think we have to hear the same thing from the same people."

**KROUT:** "Right."

**WARREN:** "I think the comments are then to let's go ahead and pass over it now and then bring it back later in the day with some recommendations from the Commission and staff. Is that what I'm hearing?"

**CARRAHER:** "Dr. Platt, did you have something to add?"

**GEORGE PLATT:** "I didn't hear anything about later in the day."

**WARREN:** "I thought that is what Marvin said."

**CARRAHER:** "From what I understand, and please correct me if I'm wrong Mr. Krout, that we can discuss this today, but we cannot take an official, we cannot have any binding action. What we can have is pending action, that is (i.e.) table the issue until the appropriate time for a hearing, which was told by Mr. Harkins would be February 8, 2001."

**KROUT:** "What would be interesting is the comments or questions that you have today so that we have that month to be able to look at them."

**WARREN:** "Are you asking for those comments now or at a later time this afternoon as we get into studies?"

**KROUT:** "Later."

**BARFIELD:** "Are we contemplating any changes in this between now and a month from now when we hear it?"

**CARRAHER:** "I can answer that. It may be a possibility. What the changes are I do not know. That is another reason why it might be good to have the hearing today. That way if there are some impasses maybe we would have an opportunity to smooth those over before February 8."

**BARFIELD:** "The only problem with that is, if there are changes and those people speak today, then certainly they would want to come back again in 30 days and speak to the changes."

**CARRAHER:** "That may be a possibility, and your point is well noted."

**JOHNSON:** "In answer to what Commissioner Barfield is saying. I am going to propose some changes in this, very definitely. So I do not know when that wants to be brought in, but I definitely am going to be an advocate of some changes."

**CARRAHER:** "We will be ready to address those changes at the appropriate time, which will more than likely be some time today. I guess with that in mind, are there any further questions before I yield the floor back to Mr. Harkins?"

**MICHAELIS:** "I think, with all due respect to the people who are here to speak on this, quite frankly I would feel better about not hearing it today, but hearing it in 30 days when it is going to be fresh on our minds the day we act on it. Obviously if you do have something to say it is going to be important, and it should be a consideration of the hearing. Personally, I would think it would be better, or my preference would be to postpone the hearing until February 8. Give everybody a change to go over it a little more and then come back and treat it as a true Public Hearing and not try to break it up. Because I think if we try to break it up something is going to get left out. It is going to be more confusing."

**CARRAHER:** "I guess in response to that. That procedurally can be a possibility if somebody were to bring it up. I guess that I am of the opinion that I am open to any changes. On the other hand, these people came today feeling that they had the opportunity to be heard. Yes, they would have another opportunity to be heard on February 8. I know some members of the audience have taken time out of their day off from work to come speak, and I would feel uncomfortable to say me personally saying, "yes, I know you took time out of your busy schedule, but because of a little snafu we are not going to hear from you today." I would also impart that as a thought, "though procedurally anyone of you as my colleagues could make a motion to postpone, I really feel from a personal prospective to move forward with the process. Mr. Michaelis."

**MICHAELIS:** "I'd maybe like to ask the people that are here to speak on it how they feel. If they feel like they would be better prepared to speak on it in a month, then obviously it is important to you or you would not be here today, and you will be here then I'm sure. I do not know if that is protocol, but can we ask those present."

**CARRAHER:** "I want this to be a focused meeting. If we open it up for free for all, I mean the hearing is going to be a free for all to speak, but I just do not feel that would be appropriate. I believe we have several members out."

**MCKAY:** "How many people are here to speak?"

**CARRAHER:** "I know several members from the Delano Neighborhood Association and other groups concerning this project, and there are quite a few out in the gallery I can tell off hand. I would open the floor if somebody wants to make a motion to postpone, but I feel that would not be the best way to proceed."

**KROUT:** "I think proceeding today will mean that there will be less. We have zoning cases for the February 8 meeting and I do not know how many yet. That is one of the reasons we scheduled this for an off zoning item, so that we would not have to try to do public hearing and zoning items on the same date."

**WARREN:** "What does that mean, whatever kind of a feeling you have. Do you want to continue today then with the discussion or do you want to close it?"

**KROUT:** "I agree with the chair, I think you should let the chair decide on what he wants to do."

**GAROFALO:** "Is it appropriate for a motion on this matter?"

**CARRAHER:** "Yes, it can be."

**GAROFALO:** "I would move that we go ahead and hear the folks who are here. That is what we are here for today anyway."

**CARRAHER:** "I thought you were going to make the opposite motion. That is what we are planning to do is to hear from the folks. If there is something in opposition to it."

**GAROFALO:** "Why don't we end the discussion and get on with it."

**CARRAHER:** "Your point is well taken, and with that in mind, I think we will move forward. Mr. Harkins, with that in mind the floor is yours."

**HARKINS:** "To give you kind of an idea where we are going to go with this, I will present."

**HENTZEN:** "Did he make a motion?"

**CARRAHER:** "One second Mr. Harkins, Yes, Mr. Hentzen?"

**HENTZEN:** "Did he make a motion?"

**KROUT:** "No."

**CARRAHER:** "Did you rescind your motion?"

**GAROFALO:** "No I did not. If it is a proper motion, I move that we proceed with the hearing."

**CARRAHER:** "I guess I did realize that I said it would be improper to make that motion because the setting, and I hate to dive in the muni of procedure, but by putting an item on the agenda that is the original plan, is to move forward. So unless he has something countering that, now with that in mind, Mr. Harkins the floor is yours." (Tape 286 1A)

**HARKINS:** "To kind of giving you an idea of the direction I am going in to present the plan and at that time I will bring up Kurt Skinner from Law Kingdon. He and I will both answer questions as you may direct them to us, we will take public comments from there. This is of course the Delano Neighborhood Revitalization Plan. This is a plan that has been in the process for a number of months. It is a very strong plan. It tries to address a number of concerns in and around the neighborhood while taking into consideration a number of efforts by the City and private individuals to try to revitalize this part of the community. To give you an idea of the background behind this plan, in the winter of 1999 three distinct neighborhood groups began meeting with MAPD staff to try to devise efforts to revitalize and rehabilitate the neighborhood, and improve it. At the same time, the City applied for a Metropolitan Community Capacity Building Grant from the Kansas Department of Commerce and Housing. That grant was

awarded, and subsequently the consulting firm from Wichita, Law Kingdon, was hired to develop a plan. The Steering Committee comprised of major stakeholders in the neighborhood. The neighborhood associations, Friends University, and Kansas Masonic Home, began working with Law Kingdon, this spring to develop a plan that has slowly evolved over the course of time to the point we are today. This is a general map showing the area, and if any of you cannot see the pointer please feel free to let me know. The boundaries of the planning area are Kellogg to the south, Meridian to the west, and the Arkansas River to the east and north. This area inside is the Delano Neighborhood. It is one of the oldest neighborhoods in the City. At one time, it was its own community. To give you an idea of the existing conditions, this is the land use map. We have a number of land use incompatibilities in the Delano Neighborhood, particularly along Douglas where we have a mix of commercial and industrial, which stretches to the north up to the river, and Exploration Place. We have a railroad, which is partially abandoned, through here; it is still active in this part of the neighborhood. We have institutional uses like Friends University and the Kansas Masonic Home in these locations. The large number of residential areas in north central part, the western and the southern portion of the neighborhood. These land uses tend to mix without any transition areas, often forming land use incompatibilities that are very distinct. This also shows up in the zoning of the neighborhood, which you can see on this map. This light purple area is industrial. It stretches along Douglas and encompasses most of the business area down along Lawrence Dumont to the south of Douglas, to the north of Douglas along the river taking in Exploration Place, Watkins Steel and then further west up along the railroad. These yellow areas are primarily two-family residential in zoning. This is Friends which is zoned University. These areas through here are zoned multi-family. I will make a note at this time in saying that there is no single-family zoning in the Delano Neighborhood. The most restrictive zoning classification is two-family at this time as it currently stands, however, as you see a large majority of the area zoned multi-family at some dwelling unit density. Over the course of the plan developments, some major objectives came to light. One is the downzoning process. Taking areas along Douglas in particular, downzoning those to a lower classification to allow, in the case of Douglas street, residential uses on the upper floors of buildings or to help prevent incompatible land uses, to do additional screening, a number of different things. It was also suggested to help protect single-family areas from incompatible land uses coming in at a future date. Another is the creation of the mixed use Urban Village. This urban village takes in a number of new urbanist types of concepts in its form. It also calls for the continuation and or the development of aesthetic enhancements and public amenities. One of those is a greenway type of park utilizing the abandoned railway corridor as well as additional public elements. It also calls for the formation of the Community Development Corporation by residents in the neighborhood to assist the City in revitalization efforts as well as establishing design guidelines and zoning overlay districts. This came to light in the plan's development as ways that could help protect residential properties as well as guide future development in terms of character in the neighborhood. This graphic show the overall plan, there are some major elements, to it. One of those, I will start with the south and work north. In this area, it calls for multi-family development along Kellogg to the east of Friends University. The plan calls for a zero lot line type of development in this area. This essentially forms a sound barrier with multi-family development that could be utilized by students at Friends as well as others. One of the notes we took from residents in our meeting with them and from business leaders, was that as traffic comes off Kellogg from the downtown area, the noise basically comes out into the neighborhood well up toward Douglas and past Maple. So, we thought this would effectually form a sound barrier without actually building a real wall. One of the other things the plan calls for is a gateway, both major and minor in various points, entry points into the neighborhood, such as here at Douglas and McLean, Seneca and McLean, Meridian and Douglas, as well as some others. The plan suggests Urban Village in this area across from Exploration Place to the eastside of Seneca both north and south of 2<sup>nd</sup> Street. Currently in the City's CIP there is a project to do some streetscaping along west Douglas from here at McLean to Seneca. The plan calls for a continuation to the west toward Vine in somewhat of the current form that the existing CIP Project has, and then it calls for a two-lane Boulevard with a median in the middle to be landscaped from Vine west to Meridian in this area that you see here. The plan also calls for, over a course of 20 to 30 years, to take additional right-of-way where available along Seneca. In the event; it were ever reconstructed again, which it probably will be in 20 years that if the City desires they could put in a median at that time with landscaping. In the mean time, it could be a landscaped buffer on the right-of way. The plan also calls as I said, for, design guidelines, downzoning, and it also calls for proposed changes to some land uses, particularly along the railroad. The proposed greenway takes in this area here along the right-of-way and this area here is the railway that is currently being utilized. The plan calls for a major neighborhood park here stretches with the greenway through the Urban Village to the river corridor and then up to this existing park in this part of the neighborhood. These are some examples of the potential gateways that could be developed. This gateway at the bottom is proposed along Seneca at Kellogg. In some ways, people have said it is very WPAish, but it could give you an idea of what could occur in this area. This would be a major gateway. This is an example of a minor or a secondary, smaller in scale, and then this one and this graphic here shows something that could occur at minor streets entering into the neighborhood. These are more examples of gateways, this particularly could occur along Douglas and McLean, kind of a gateway up and over the street. This is an example of the zero lot-line development could look like. This is in the area along Kellogg, south of the University and east of Friends. As you see zero lot line means that the houses are up against each other. This is an example of two-story, but has only one-story connecting sharing a common wall, but it could be two-story as well. As I said before, essentially this forms a 20' to 30' barrier that you cannot necessarily build with a sound wall and that KDOT probably would never approve anyway. This gives you an idea of the potential cost to implement each of these. Not all of these would be born by the City; it would be a mix of public and private endeavors. At this time, none of these projects are programmed into the CIP. To do the gateways or the park areas, the greenways, we broke this into two separate parts. In the plan, this is Appendix C by the way for your information. Douglas Avenue streetscape continuation. Historical lighting along University Avenue to help enhance the character of that portion of the neighborhood. Then the cost for the proposed gateways. All total this comes to around 8.8 million dollars. As I said, this would not be totally a cost born by the City. This would be a mixed public and private partnership. To implement the plan, the Steering Committee feels a number of things could, should be done. One of course, is the Capital Improvements. The other is beginning the downzoning process, which the Steering Committee is meeting next week to begin work on. The other is the formation of design guidelines. There are proposed interim design guidelines included in the plan that is Appendix A, as well as the formation of permanent continual design guidelines for the area. In addition to that, we are recommending the development of zoning overlay districts for the neighborhood as well as for the Urban Village area and potentially other areas as necessary such as the University Avenue area or along Douglas as residences and stakeholders in the area feel like it is needed. With that, I am going to open the floor for questions. As I do, I am going to invite Kurt Skinner from the firm of Law Kingdon to join me up here and attempt to answer any questions you might have."

**CARRAHER:** "Are there any questions for Mr. Harkins. Mr. Garofalo?"

**GAROFALO:** "Mr. Harkins can you go back to the map of the plan, the plan changes? Does that include what could be seen as the downzoning."

**HARKINS:** "In many ways it does."

**GAROFALO:** "For example all the yellow?"

**HARKINS:** "All the yellow references residential areas. Now there are some duplexes scattered in these yellow areas, so the downzoning process will have to take those into consideration. That is something the steering committee and the stakeholders in the neighborhood will have to work with different individual property owners on."

**GAROFALO:** "So on that map the yellow just represents where residential is?"

**HARKINS:** "Yes"

**GAROFALO:** "Rather, it is single-family."

**HARKINS:** "Yes, it represents primarily where single-family residential should be over the course of the plan's develop implementation. We know that that won't totally stay as you see it there because some of owners of duplexes will not want to change to a single-family dwelling unit."

**CARRAHER:** "Are there any questions for Mr. Harkins. Mr. McKay?"

**MCKAY:** "Is it possible that we can get a color rendering to review, rather than the black and white, because I can't even tell the difference in the zoning. Do you have a set of those you can make for us? Not for today, but when we really get to review these pictures. I have a tough time seeing where the black and the gray all goes together on all of these examples where zoning is concerned."

**HARKINS:** "We can get you a copy of those, yes."

**MCKAY:** "If you can do that I'd appreciate it."

**CARRAHER:** "Mr. Hentzen"

**HENTZEN:** "During your research on this, do you know or do you think we know when you say downzoning are we on solid ground when we pick that out and say we are going to down zone your property. What is the issue there? I am pretty sure some of the people do not want downzoned."

**HARKINS:** "The big issue is for one that we have a number of land use conflicts and zoning conflicts. We have residential across the street from industrial currently. Some of those industrial areas are not screened very well, and it has created a number of nuisance problems. We have most of the area that while in land use may be residential, in terms of single-family it is zoned multi-family. So, you could go in today, buy a block of homes, and convert them and there is nothing that could be done about it, and that has potentially been seen by the neighborhood as a threat to revitalization efforts. It seems that is part of the downturn process of neighborhood destabilization, and that is one thing we are trying to avoid over the long term. The other is the fact that we have, heard particularly from business owners along Douglas, comments that they want to use upper floors of their buildings for things other than storage, and try to rehabilitate them, maybe try and convert them into apartments, but currently they can't. Because of an Industrial, classification is no residential use allowed. That was another reason for the downzoning to try and encourage that type of development that is not currently allowed under the zoning classification that it has."

**HENTZEN:** "I understand that and I think it is a good approach, but I am concerned that there are places there now where you could put duplexes or four-plexus and stuff like that and can we come along and say no you can't do that on the basis of changing the zoning? Can we do that?"

**HARKINS:** "What we are looking at right now is trying to involve as many of the property owners as we can in the downzoning process so that if we get to a pocket where a property owner just doesn't want to do that, okay. I mean obviously unless the Planning Commission as a whole is going to call a Public Hearing and decide we feel the character of this area warrants this zoning classification, no we can't force it. As a neighborhood it can't be forced."

**HENTZEN:** "It just appears that we are trying to get more people closer in, and then we are going to tell them the zoning that is there now for a little more dense population, you can't do that. We are going to make it single-family. I would hope that if we were able to do that beautification project up towards the river, that the more people in that yellow area that could go there or be there or want to go there would be better."

**HARKINS:** "That is also why the plan calls is in this mixed use Urban Village, to have a mix. It is a mixed use because it is residential and commercial by nature. So that upper floor could be residential to accommodate some of those high densities so that they can enjoy some of those scenic river view vistas, particularly once the river corridors are fully developed. Including, as one possibility that was kicked around, was taking a couple of these buildings and adding another convention style hotel to the City. That is called for in the tourism plan with meeting rooms and other facilities so that you have a vibrant entertainment complex that

stretches from the museum on the river District next to Exploration Place across the river through downtown into Old Town, and if a sports arena was ever built, that area could include that. That was one of the reasons why this area was called primarily to stay single-family in nature. We felt we could provide enough opportunities in the future for multi-family and higher density development in other parts of the neighborhood, at the same time, if individual owners want to retain that, that is certainly an option."

**CARRAHER:** "Mr. Michaelis."

**MICHAELIS:** "I would like to touch on the same point that Mr. Hentzen was talking about, because I think it is a very vital point to this whole thing. Maybe it requires having a legal opinion before the February 8 hearing to see what our options are. To see if there is a possibility if this Commission would decide that we want to take that whole area and down zone, if that is something that we can do. Then the other thing is it may be helpful to plot that out and maybe you have it into which areas are actually multi-family and which areas are single-family. Well there is no single-family, but which areas are the ones that you're talking about to see what impact that would have on the overall plan if that zoning was not able to be downzoned. That is kind of like the horse to me, we have to know that this horse can go before we can tie the cart on the back."

**HARKINS:** "One of the things we have talked about at the staff level is taking the areas that are residential and that want to do the downzoning right now, and begin to assist them in that process, and the other areas, begin to work with them to see what they want to do so it becomes a two tier approach so that we are not trying to literally force something upon a individual property owner."

**MICHAELIS:** "I understand that, and the problem is not going to come from the ones that want to down zone. The problem is going to come from the ones that do not want to down zone, and trust me there will be a lot of them. That is what we need to do in my opinion. Figure out how we are going to handle it before we are going to spend 9 million dollars on this thing but we do not even know if we can do it without this proper zoning."

**HARKINS:** "To do some of the capital improvements you do not need the downzoning in place. To do some of the things like street beautification, or things like the park improvements, you do not need the downzoning in place."

**MICHAELIS:** "So we are not looking at a total plan. We are looking at a piece of a plan."

**HARKINS:** "No, you are looking at a total plan with multiple facets. Each can be tied together and judged on their merit, and each can be looked at separately. The downzoning is one implementation strategy while the capital improvements are another. To an extent, they do go hand-in-hand, but to another extent they are also separate and have to be considered separately."

**MICHAELIS:** "Well, to maybe make it a little simpler, maybe if you could, between now and February 8, come up with the scenarios of what would happen if we were not able to achieve the downzoning."

**KROUT:** "Just a couple of things. We would be glad to have the City attorney come and talk about downzoning. It is legal; in fact, there was a court case in Wichita that went to the Supreme Court in the 1970's that dealt with that issue of downzoning in Midtown that was not at the request of the property owners. It is legal, but it is policy issue. That is something that you have to decide on a case by case basis, based on the facts. I think that, try to remember that this is a plan, and that it is not downzoning property. It is not also approving capital improvements, but capital improvements are funded in the CIP and the decisions will come at the request of property owners and it may be for 100%, or 90% or 70% of land that has been partitioned, we just do not know yet. We do not know if these owners, the neighborhood is just beginning to strategize where and how are they going to do the downzoning. What they are saying in this plan is as a concept it will have a stabilizing effect on the neighborhood if you can reflect the existing (tape 718, A1) pattern of geese's where that is a viable pattern of uses and there are some places where there is conflicts or words it just not appropriate, but I think this is a very large planning area and I do not think that the neighborhood has strategized exactly where and how these downzonings would come. When they come to you, you would decide whether or not to call a hearing, or the City Council can decide whether or not to call a hearing. Then it would be like any other zoning case that you would make recommendation and the City Council has the final say on whether or not the land should be rezoned."

**HENTZEN:** "Well, what Marvin said about and you said about, we can start by asking every property owner in there, "Do you want to have single-family zoning on your property the way your are using it?" That is the first step, but I want to suggest that if you just say we are going to zone all those yellow single-family except down by Friends University, you are going to get opposition enough in my judgement to cancel the whole plan. Because they will say..."Well, hell we (tape 13-1B) do not want that," and you will just get opposition there that is hard to overcome. It will be over downzoning. That is why we are talking about it George, is that, well, I just think what you are saying...approaching it as downzoning I think is realistic where you take what is there now and you ask the property owner, "Do you want us to downzone it?" That is where you start."

**CARRAHER:** "Mr. Harkins please."

**HARKINS:** "One thing I want to interject, one of the overall goals of the plan is to help preserve the character of the neighborhood. Downzoning was brought as objective and implementation strategies to help maintain, preserves, and enhance that character. The process of downzoning is not the overall goal of the plan. It is merely one strategy to help revitalize and enhance the character within the neighborhood, as well as these other implementation strategies like the zoning overlay and the capital improvement that are proposed."

**CARRAHER:** "Are there any other questions for Mr. Harkins before we move on? Mr. Skinner would you like to say a few words?"

**SKINNER:** "My name is Kurt Skinner, I am with Law Kingdon, the consultant on the job. The areas that you see in yellow, I wanted to make one clarification. If you read through this we are talking about the character of the area, not necessarily the actual zone."

Throughout the yellow area, there are some duplexes, there are some four-plexes, but if you look at the overall character, of the street, in most cases the single-family character of that street has been maintained. There have been a few cases where there has been an eight-plex put in that is totally out of character. For example, like right on University Avenue. If something ever happened to that building, if they ever wanted to go back in with an eight-plex, the design guidelines that would be in place with us that that eight-plex would go in, but architecturally it would be representative of the streets. It does not prevent them having the eight-plex there, but the character of that streetscape is maintained. There is a lot of yellow up there. I want you to think about that in terms of single-family character neighborhood and not so much the single-family zone. You are right, we would want to go through as far as the downzoning and ask, because one of the other problems that we didn't talk about is there are some single-family homes in non-residential zones, or high density residential zones. They are falling into disrepair and unless they do get downzoned, they find it very difficult or impossible to get bank financing for improvement loans or that sort of thing. That is sort of another reason why downzoning is an element of this plan."

**CARRAHER:** "Are there any questions of Mr. Skinner. Mr. McKay."

**MCKAY:** "These are question and statements as well. I know you probably take into consideration the absentee landlord because in your report there is a tremendous amount of them and, even though it is legal, I would hate to have a whole group of property rights suits filed because you are taking this land from them on the downzoning portion. You are also talking about Historic District as well as the downzoning, and is the Historic District the whole District or portion of the District, cause I know one very large organization that does not want to be included in the Historic District, even though they are the oldest group in the neighborhood, because of all the rules and regulations that you have to go through with the Historic District to prove anything."

**RIAN:** "An actual Historical overlay could be the area particularly along the University east of Friends, which is the area you are concerned about as well as Friends University. What we have talked about is generally an overlay for the neighborhood as a whole with specific areas, like if a particular area wants to do an historic overlay, like along University, they could. So, there would be or could be one or multiple zoning overlays within this area. There has also been talk about trying to do an overlay with the type of language you would see in a typical historical overlay district, but not making it an HO District purse, so that you wouldn't have to go through HPB, like you mentioned a second ago."

**CARRAHER:** "Follow-up with McKay?"

**MCKAY:** "Well, another one. You say you are going to try develop a redevelopment a group within the District, and I just caution if you are going to do that, they better have a good procedural plan on how they are going to deal with whatever they are going to deal with, within that area. For the same reason dealing with neighborhood. I guess you said earlier that you had talked with the land owners, or the business owners along Douglas, and they are all in favor of this?"

**HARKINS:** "We did some specific breakdown sessions as the plan was being developed. One of those was with the Delano Business Association and the night we meet with them a number of business owners showed up. They were very supportive of efforts to try and revitalize the area. They were very receptive to the opportunity to try and do something with upper floors of buildings, for those that have a second or third floor, to try and do something and bring in increased income for their occupants or their buildings. Overall, most of the major stakeholders in the areas have been very receptive. We did specific breakout sessions with each of the three neighborhood associations. They were all very receptive, and then Mr. Skinner made a presentation at a neighborhood picnic in October and the plan was very well received then as well. It had over 200 participants I believe at the picnic. The people from the association can correct me on that if I am wrong."

**MCKAY:** "My last question or statement is more of a statement more than anything else. How do we deal, I know you hit on it lightly, how do we deal with the existing area? You mentioned University. Well, there are some beautiful houses along University, but there are also 3 or 4 apartments in along those beautiful houses along University and all in this whole area. Whether they are absentee ownership or somebody lives there, how do we deal with them? By either grandfathering or making them a part of the situation without saying... making Mr. or Mrs. Jones have retired and they live in the lower level of the house and they have two or three apartments within that large 10 thousand or 8 thousand square foot house and they are relying on them to not put a hardship or burden on what is presently existing?"

**HARKINS:** "That is why we are trying to focus more on the character, like residential character of an area to go with your example along University. If we focus on trying to do zoning overlays that focus primarily on the character of the buildings, preserving that single-family character even though it may be three apartments on the upper story, for example, that building still looks like a typical single family home like you see on most of the block, but still allows an owner if they do not want to go through the process of downzoning, they can keep it at two or multi-family, still have the ability to have rental income, but yet their building looks just like any other on University, has that historic residential character and still allows the area as a whole to enhance its property value without being a menace or a nuisance to surrounding properties."

**MCKAY:** "So you are saying if I own a house that, I want to say, is 7,000 square feet and I have 4 apartments in it, as long as I keep the exterior looking like the balance of the exterior of what it originally was, it can stay a 4 plex?"

**HARKINS:** "That is what we are trying to do. We are trying to keep that flexibility built in so that we avoid what Mr. Hentzen was talking about."

**CARRAHER:** "Mr. Warren."

**WARREN:** "Along these same lines, I have had two calls from people down along Douglas Avenue and they weren't calls of protest to this, but they were calls of concerns. Their major concern was this protective overlay. I would just like to say myself and I



complement the staff and their consultants, it is a good study. It is a study of in-depth and I agree with the majority of the conclusions that are in the study. You know this area has had an illustrious history. However, the history that we have read about was basically a late 1860, or the very early 1870s. Those building have been gone for many years, and there are no buildings relating to that particular era that we can protect because there isn't any of them left. There are some buildings and structures that are historic in nature, and the people that I have talked to say, "Look, I do not have any problem with picking out and singling out some buildings that we want to protect, but the rest of that area was developed from the late 1800's through the early 20s, for the most part, and it does not have any special character like you would define as the French Quarters of New Orleans". If it has any character at all it was individual early American, and there was not any trend actually. So, the concern that I see and certainly that I have heard is the fear of this blanket overlay. If we want, and if what they have told me and the question I asked, I guess if we have an objective, a goal to protect certain architecture, certain historic values out there, then there is not problem. If we intend to extend that on to some kind of blanket overlay, I guess this whole District, which would potentially put us into one of these "mother may I" and we have got to go to some committee that somebody appoints, and we have to ask them whether or not we can remodel, we got to ask them about color, and we have to ask them if we can change our sign, I guess they are wondering why are we subjecting ourselves to this? Why would we agree to that in the beginning? I think page 29 of this report is where those concerns were for the most part, if you want to look at it, come out."

**CARRAHER:** "Mr. Warren, would it be ok...I'm sorry."

**MCKAY:** "Let him finish."

**CARRAHER:** "One second Mr. KcKay. I do want to hear your comments. Would it be okay if we put that on hold until after we hear from the public?"

**WARREN:** "I think it would be alright. What you are hearing is from the public, it is from the public to me, and that's the concerns that I have heard. If we can live with about everything out there, including the downzoning, assuming it is done in a legitimate way, but the blanket overlay is what they are questioning, and so I said "Yeah, I'll bring that before the board."

**CARRAHER:** "Yes, that will be fine. I want to relay this to you again, I want your points to be heard, I just want to put those on hold right now, and hear the members in the gallery."

**WARREN:** "I still have some more to say in that light then."

**CARRAHER:** "Do we have anymore direct questions of Mr. Harkins before we move into the audience? Yes, Mr. Barfield."

**BARFIELD:** "You mentioned, I think, in your figure that there was 58 million dollars for this plan as proposed, and I think you stated that the City would not be exposed to the entire amount. Do you have an idea of what we are talking about in terms of City's amount?"

**HARKINS:** "Let me forward to that particular slide for you. 8.8 million dollars in projected capital improvements. Particular aspects like the historical lighting could be done in cooperation or totally by the neighborhood. Minor street markers, like you see at the bottom are things that we've thought that probably should be handled by the neighborhood, or by the Community Development Cooperation. Those are things that particularly pertain to this area. They aren't, the public improvements that would benefit the entire community, but we thought it would be easier for things like that to be handled through CDC, that is developed rather than programming those in. We thought it would be easier to put major projects like the parks and the greenways into the CIP and focus on those being City funded Capital Improvements. Some of those can be funded through a number of sources at state and federal levels."

**CARRAHER:** "Any further direct questions to Mr. Harkins? Mr. Hentzen."

**HENTZEN:** "I want to follow up on Mr. Barfield's question. The bottom part of that is in the current City's CIP. Is that right?"

**HARKINS:** "No. The gateway for east Douglas."

**HENTZEN:** "Just east Douglas?"

**HARKINS:** "Just east Douglas."

**HENTZEN:** "That is the only one?"

**HARKINS:** "Yes, that is the gateway at Douglas and McLean."

**HENTZEN:** "What I am asking is, does the 8 or 9 million represent the total cost or just recommendations to the City to put in the CIP or something like that? In other words is that 8.8 million the cost of this plan?"

**HARKINS:** "That 8.8 million covers those items you see here."

**HENTZEN:** "But it doesn't cover this plan?"

**HARKINS:** "It covers the Capital Improvements that are recommended in this plan. I know that doesn't tell you much."

**HENTZEN:** "Does it cover the public cost..."

**HARKINS:** "Yes, it covers the projected costs. If the public were to cover all the costs I this plan, yes, that would be the total amount."

**CARRAHER:** "I think we are going to move forward in the meeting. Mr. Harkins I appreciate your time. Now who, we are going to move to the gallery right now. Who in the audience wants to speak to this item? Could I have a show of hands please? I guess we will go ahead and start with those who wish to speak in favor of this project. Please go right ahead. I need you to give your name and address before you go into your context."

**MINDY JOHNSON:** "My name is Mindy Johnson. I live at 1715 University so I do live on University Avenue. I have been involved to a degree helping with the steering committee, and my interest in this is as a homeowner. I live on University. My home is one of the eighteen historically designated homes in the Delano Neighborhood. I know that there was concern about zoning. I have a direct concern about zoning. My property on University Avenue is zoned multi-family 29. Yes, there are some homes on my street that are in disrepair that do need help, and everyday I do go by them and I shake my head and wonder when the people are going to get off their rears and do something with them. But, I also know if that home does come into such disrepair that it is condemned and it does need to be torn down, I do not want to see them necessarily put a four-plex. A six-plex is just a block away from me that is totally out of character for the neighborhood. It is very much a ranch style-sits from end to end. University goes along from east to west; this apartment building is north to south. It has the old asbestos siding on it. It is very extreme in my opinion, on going against the character of the neighborhood. I know that there are some houses that are eventually going to have to be torn down. There are some being torn down in the neighborhood as we speak. I just hate to see ranch style that does not necessarily fit the neighborhood. I would like to see something that is more in character. As for a historic overlay district on my street, I think the neighbors need to be involved in what that overlay says because we are the ones that are going to have to put the out of pocket expenses on this, but on the other hand there are ranches down the street and I do not want to see more come. I do not want to see more come in. I would like to see the character of the neighborhood maintained. I know there are homes east of Seneca that there has been trouble getting a fuse box put in, homes that have been lived in. A lady I knew on Seneca, on the east side, could not get a fuse box put in her home because her home was not zoned properly. She said she had a heck of a time getting a fuse box put in. As you know, a lot of these homes are going to have the old electricity in them, the old lines, and they are not going to be safe. For them to be safe, some of those homes east of Seneca that are in the industrial area, for them to be at least be able to live and function in there home, they may need that new electrical grounding. They can't get it. In addition, I have a concern about losing what history that does remain. Granted, we do not have a lot of homes, as you said, from the 1860's. There may not be many buildings, or any along Douglas, that are from that time. What we have I would like to see maintained. We have homes from the 1870's. Again, I do not want to see things go in that are totally out of character. There needs to be some kind of guidelines so that we do not end up with too many high fad houses and businesses in the neighborhood that do not correlate with the rest of the neighborhood. And you were talking about apartments. There is an apartment across the street from me. It is, there are 5 apartments in the building. From the exterior, you see two front doors the original front door, and then another put on the porch, 5 mailboxes, that is it. That is the only distinction that this is an apartment building, four mailboxes. It is a wonderfully kept house, and I do not have any disagreement to those kinds, or that kind of housing in the neighborhood. I would hate to see them downzoned just because they are this apartment. Those that are maintained well, I do not have a problem with that, because they are staying in character with the neighborhood. I would just like to see us keep the housing stock that we have. When I moved into this neighborhood, we thought about it long and hard, We had a choice. We decided to stay in the City of Wichita in this neighborhood or we were leaving. We were not going to stay within the City because of the character and the age of the houses and the neighborhood as a total. Just one last thing. A lot of the zoning that you see in the neighborhood right now, that zoning was in place in the 1930's. Most of it has not been touched. I am sure all of you realize back then they may have thought a lot of different things were going to happen in the neighborhood, that it was going to be more industrial downtown and that it was going to be more of an industrial hub of the City, but since that hasn't happened, obviously some of the zoning is currently out of place. I believe that is all I have to say. Thank you."

**CARRAHER:** "Are there any questions for Ms. Johnson? Yes, Mr. Warren."

**WARREN:** "Yes, Ms. Johnson, you make reference to the character to the neighborhood, and all of us seem to have that perception in our mind. I noticed in the description they talk about different styles and characters being Queen Anne, Prairie, Colonial, Victorian, Bungalow Craftsman, National-folk and Classical Romanesque. What would you think? What is the character of this neighborhood based on this description, and I guess my other question, you can answer them both, who, what kind of committee would you trust to decide on what kind of character that should be allowed?"

**JOHNSON:** "As far as character, that is true. Next door I have what would be classified as an arts and crafts home. My has been listed as Richardsonian. It is a two-and-half story limestone, 3500 sq. feet. It is one of the larger homes on the street. I do not have a problem with anything that maintains some of the older homes in the neighborhood, the 1920s even 1930s. The 1970 ranch, brick ranch home that is two blocks down is just really out of kilter with the rest of the neighborhood. There were growth spurts in the neighborhood obviously, because of the different repression's during that period and of course depressions. Yeah, it is going to be a broad spectrum of character, but again I do not want to see a 1970 ranch style or new ranch style home stuck in there."

**WARREN:** "Do you not see potentially though, a lot of opinions coming into this and a lot of disagreement about what the character should be, and then maybe we would hold somebody up from doing something because somebody did not think that that is in character? Isn't that kind of an opinion thing?"

**JOHNSON:** "Yeah, there is going to be some opinion on that. I mean, I have no doubt about it."

**WARREN:** You have no fear with that?

**JOHNSON:** Well, it doesn't not matter what we do, there is going to be some differences of opinion, if we do downzone, there are differences of opinion. People are not going to want to downzone. If you do not, people like me, I do not want to see my house or the house two blocks down on the other side that is in disrepair torn down and an eight-plex put in that looks like it belongs further with the newer houses on the edges of town. As far as a committee I would hope that, and I know that, and I know with our Delano Neighborhood we have a monthly newsletter that goes out to all of the neighborhoods that in there when we ask for people, we want opinions and when we have our meetings, there are a lot of opinions pro and con for many issues discussed. I know we have talked about not wanting to step on toes of people that already have duplexes, or already have four-plexes, we do not want to go in and change them, because some of them have been built original built the 1920 or 30 as a duplex. Hopefully it will be a combination of business, of the different associations, we have business neighborhood and clergy association that will come together plus other neighborhoods that can come together and work together to try to be as open to the rest of the public as possible. I realize that it is a huge, huge job, and it is a difficult one, there is always going to be conflicting opinions, but if we just sit and wait, our neighborhood deteriorates day by day. There are houses being torn down and others being saved. I just want to see more saved, more of the neighborhood."

**CARRAHER:** "Dr. Platt."

**PLATT:** "What is the date of your house."

**JOHNSON:** "1889."

**PLATT:** "Who built it originally?"

**JOHNSON:** "It was built by Professor John Metcalf, who was a music professor at what was then Garfield University. He was a bachelor. We assumed he built it for boarding rooms, we can't imagine why he would have built that large of a home if he was single."

**PLATT:** "Does this plan frighten you?"

**JOHNSON:** "No, honestly it doesn't. I hate to see any home taken down because of some of the phases of the plan in there. It is my hope that as many of those homes can be saved and possibly moved to empty lots. There are a lot of them in our neighborhood that I am hoping those that are structurally sound can be moved in there, so that we can maintain as much of the good housing stock that we have in the neighborhood. Yeah, it is something I do not want to see all of us go into fast. But I do not think the plan is to do this in five years, in ten years, I mean it's, we are looking at twenty years, and some of it beyond that. I mean I think all of us know that it is going to be a long term. There will be changes that will be made here and there. It is not something, this is just a vision that the committee had on ways that the neighborhood could be improved to bring in the businesses, to bring in the people into our neighborhood. So, it was not just one of those residential neighborhoods with a few sprinkling of businesses that just everybody avoids. We wanted it to be a place where people liked to come. With Exploration Place, Lawrence Dumont, the skating rink, we do not want to see the neighborhood deteriorate around those things either, because that is not going to make a place people want to go if they have to go through a bad neighborhood. We do not want to see that happen to our neighborhood."

**CARRAHER:** "Dr. Platt."

**PLATT:** "Let me turn the question around then. In other words then, do you think that good things will come because of this plan?"

**JOHNSON:** "I think a lot of good things will come. There will be some negativity, I have no doubt there always is. You can't make this great of a change in any neighborhood whether it be a small neighborhood block or a neighborhood area this large without there being some negativity. Absolutely there will be some negativity, but I feel the positive is going to outweigh the negative, most definitely."

**CARRAHER:** "Mr. McKay"

**MCKAY:** "What was your address again?"

**JOHNSON:** "1715 University."

**CARRAHER:** "Did you have a follow up Mr. McKay."

**MCKAY:** "No, that is alright, I just wanted the address."

**CARRAHER:** "Mr. Barfield."

**BARFIELD:** "Ma'am, you said you were speaking in favor of this plan. In the large part of the plan is the downzoning, and yet you, as I hear you, are opposed to that. Now you say you do not want to see single-family homes in there and you do not want to see any eight-plexus. So basically from your standpoint of view or from our standpoint, what would be the advantage of the downzoning?"

**JOHNSON:** "Well, in my opinion, no, I want to see the single-family homes in there. My concern is there is not one home in our entire neighborhood that is zoned single-family, not one. Yet the majority of the homes in the neighborhood are single-family. I would like those people, and me being one of them, that if I want to have a single-family home that I can do that. I would like to see

blocks of homes that are single-family that are currently single-family. I would like them to be listed as single-family. The homes that are duplexes, I do not want to have to force on someone, "well, you have to change this", especially if they have been built as a duplex. There are some on that list of historically designated homes on Douglas and they are built as a duplex. I would hate to see those changed because that is the intention when they were originally built. No, I am in favor of downzoning. Not necessarily that every home has to go to single family no, because there are homes that are not single-family and there are owners that do not want it taken to single-family, I understand that, but the majority of the homes in our neighborhood are single-family, yet there is not one home that is zoned single-family. That is the concern I have. I do think we do need to be careful on how we downzone, but I do think the downzoning is necessary. Just a year and a half ago when the tornado went through, there was a home east of Seneca. The gentleman was doing remodeling on his home. The home had major damage to it and he needed to go back and have it rebuilt. He was rezoned industrial. He was not zoned in any kind of zoning that he legally, without special consideration, could have gone in and rebuilt his home."

**BARFIELD:** "Okay, and you mentioned that there are several homes in the immediate neighborhood that are in disrepair. Are you aware as to whether or not those homes are owned by absentee landlords or not?"

**JOHNSON:** "Well, there is one right down the street, that has just recently been purchased by actually a neighbor of mine. They are just in the process. There is another one down the street and I am not sure exactly the status of who owns that. I know they go in and do a little bit of work and then three months later they come back and do a little bit more work, and they never seem to catch up with the disrepair that has happened in that time period that they leave it lay. That one I am not sure, but most of the homes on our street that are in disrepair, there are two specifics I can think of, there may be others that some would consider in more disrepair, but there are two specifically, as I said. One was just recently purchased by a neighbor who has plans on renovating."

**CARRAHER:** "Any further questions of the speaker? Thank you Ms. Johnson." Who else in the gallery is wishing to speak in favor of the item? Mr. Ray Rancuret, please approach the podium. During our general meetings when the public speaks they have a limit of 5 minutes. We were getting the clock working when Ms. Johnson spoke, I believe she might have had a minute or two extra, but I just wanted to bring that up. That is why you see the 5 minutes on the clock that excludes questions that the Commission may have of you. So with that in mind, Mr. Rancuret the floor is yours."

**RAY RANCURET:** "I demand as much time as she had, 17 ½ minutes. As the time is running, I want to make sure that you understand that while I started this process last April, four years ago, I did not do that just because I needed work. I was dully employed, and I am still dully employed, but it was neighbors that came to me and said that something needs to be done. The crime rate in Delano, the deterioration of property, absentee landlords, plane trash, and other CRAP, not CIP, but CRAP that is floating around the neighborhood. So, I decided to look around for myself because at that time my traffic to and from work was basically one street only and I did not deviate from that."

**CARRAHER:** "Mr. Rancuret, just real quickly could I get your name and address for the record?"

**RANCURET:** "Yes, my name is Ray Rancuret. I live at 232 S. Millwood. I have lived there now for 29 years. That is also the time that I decided to canvas the neighborhood, I literally with my wife and some people, knocked on doors, individual doors, individual people, and what I heard. I cannot describe the outcry. So, I told people, what if you organize as a neighborhood association, that is also the time I found out that there had been a neighborhood association for about 3 years, but it was laying dormant. So I was able to revive that neighborhood association, and we have had monthly meetings every month of the year, except the month of December. That means that for almost 4 years now we have had 11 meetings each year and you ought to come some day to some of those meetings cause you will be pleasantly surprised by the number of people that come. 45 is the lowest number. We have had as many as 250, all interested in revitalization all wanting to see improvement of the neighborhood. Ask me questions, if you want, at a later time. I am cognizant of my time. Yes, I am in favor of it. You are darn right I am in favor of it because I have seen the neighborhood deteriorate. I think it is possible. Having been in different cities across the country, I have seen what can be done and I just do not see why it cannot be done in Wichita, KS, and in Delano. We not only live in a historic area of the city, but Delano is older than the City of Wichita. We also live in an area, which is located by the Exploration Place. As a matter of fact, it is the museum district, close to downtown. Folks, this is an opportunity for us to do something for the city that we live in. Yes, Mr. Hentzen, Mr. Platt, Mr. McKay, I am very well aware that this means work. I may not see this work finished because at some time in the future I am going to be six foot under. But I am hoping between now and that time, we can have a momentum going to revitalize Delano and improve the city. We need to do that if we are going to attract businesses and people back to town. Not just because they are museum visitors, right, but city dwellers, tax paying people, then we need to revitalize. Keep that in mind gentlemen. We have over 110 vacant lots in our area. How much revenue do they bring up? Not very much. Not compared to what I have to pay. We have people saying we want to revitalize, but if I revitalize and my neighbors do not, it is money down the drain. They are right up to a point, but we also have seen people revitalize and have made improvements and the neighbor followed suit. Search this plan, it will help the whole neighborhood improve. We are not coming in, as some of you gentlemen seem to fear, with a knife in one hand and hammer in the other one and say we are going to rezone your property. No, it will be done totally legal with the consent of the homeowners."

**CARRAHER:** "Mr. Rancuret, your time has expired do you wish an additional minute?"

**RANCURET:** "Half a minute."

**CARRAHER:** "Okay, why do not I go ahead and open the floor to give Mr. Rancuret an additional minute?"

**Motion:** I motion to give Mr. Rancuret an additional minute."

**MCKAY** moved, **LOPEZ**, seconded the motion, and it carried unanimously (11-0). (Tape 1-009(2) 1B)

**CARRAHER:** "Mr. Rancuret please continue."

**RANCURET:** "We need to give the neighborhood an opportunity to do something for itself. To that extent we want to establish the Community not-for-Profit Corporation, that will make this possible. We included this into the plan. We are at the beginning stages of the formation of this Corporation. Okay, so do not ask to many questions about it yet because the lawyers are going to change my mind probably. We are trying to put in place whatever we can to improve Delano. All we are asking from this Commission is, help us, do not hinder, do not throw up all kinds of barriers because of fears that are not existent. Thank you."

**CARRAHER:** "Are there any questions of the speaker? Yes, Dr. Platt."

**PLATT:** "Let me ask you very specifically, because I think it is important to do so, are you afraid of the word downzoning?"

**RANCURET:** "No, not at all. As a matter of fact, sir, I am living in an area that is MF-29 and yet the character of the blocks that I live in are on both sides, the character of which is single-family."

**CARRAHER:** "Any further question of the speaker? Thank you, Mr. Rancuret. Who else in the gallery is wishing to speak in favor?"

**LARRY BROWN:** "My name is Larry Brown. I live at 1615 University currently. Just as a preliminary statement I would say that I was born in Wichita Hospital in 1933. This was in the existence in the Delano Neighborhood. I lived on Athenian in my early years; I am a graduate of Wichita State University, graduate of North High. I left Wichita for 30 years. When I came back, I came back to Delano, because it is a good residential area with a lot of historical prospective. We talked about homes that are clearly historical; they were built in the 1800s. We have many, many houses in the area that were built between 1880 and 1920 in that area. There were booming times in the Delano area. The cowboys are gone. I want everybody to remember that. We area now urban dwellers and we area living in the Center City. We want to see that Center City thrive. We want to see the downtown area thrive, and we want to see our area thrive. The Urban Village concept will allow that to happen. It is largely currently occupied by industrial use. Many of those industries are now leaving. That land is going to be available for development. We have very few houses in the area that we have talked about making an Urban Village. So, there won't be much residential impact in terms of existing housing, but there will be tremendous impact on the number of citizens that will be living there once that project is complete. We also want to see preservation of existing housing. That preservation of existing housing will depend on proper zoning. That will be an important element in the future. I will stop there. Anyone have any questions."

**CARRAHER:** "Are there any questions of the speaker? Dr. Platt."

**PLATT:** "I assume you attend the meetings of the association too."

**BROWN:** "Yes, I do."

**PLATT:** "Do people come to those meetings and express concerns about downzoning?"

**BROWN:** "I have not heard anyone express concern about downzoning other than one or two people who own duplexes in the area, and I explained to them that this would not impact existing housing; that seemed to be all that they were concerned about. I do have some people who are concerned about leaving some of the area as apartments because they do not want a lot of apartments moving into the area. For instance, along Kellogg they are questioning whether that was necessary. I experience a great amount of resistance in putting up a wall to defend ourselves against the extreme noise on Kellogg Avenue is one of the arguments we have to consider. Otherwise, we might not consider the apartment dwellings along Kellogg. I think the majority of citizens, along with myself, are in favor of zoning existing neighborhoods as single-family dwellings."

**CARRAHER:** "Mr. McKay."

**MCKAY:** "Sir, you just made the comment about you do not want multi-family as part of the overall plan, but multi-family along Kellogg."

**BROWN:** "I said there were some individuals."

**MCKAY:** "I'm saying in your opinion of the group, would they prefer the apartments or like the way they did on east Kellogg with the masonry wall and the beautification? You said it was controversial among your group."

**BROWN:** "We been through that battle already. We have had 2000 names on petitions in order to do something about the noise barriers."

**MCKAY:** "I understand that, but as a group, as the Delano..."

**BROWN:** "As a group, Delano citizens we have agreed with the plan as presented."

**CARRAHER:** "Are there any further questions of the speaker? Thank you Mr. Brown. Is there anyone in the gallery who is wishing to speak in favor?"

**MARY LOU RIVERS:** (TAPE 2A) "My name is Mary Lou Rivers. I live at 6027 N. Meridian. I own Revco Distributors at 728 West Douglas. In 1991, my husband and I bought that property. He lived as a child and grew up in just the fringes of the Delano

Neighborhood. He lived at the corner of McCormick and Elizabeth. In 1991, when I moved into the area over there, I knew a number of the businesses in the area and for about a year or so I had a lot of people up and down in the area come into my shop and welcome me to the neighborhood, of which the other neighborhoods that I have moved into as a business person, never happened to me. That is part of the differences in Delano, but also over there they said, "You know, somebody needs to do something about the Delano area. They need to start an organization. They need to have some uplift and something done". At that time, I took on a crusade to perform a database of all the businesses in the area, of which there are in the area over 300 businesses in that area. Some of them are kind of small. You may not even know that they exist, but there are. So with great, great, proclamations in the newspaper and whatever, I stand before you to tell you, you are looking at someone, someone who decided to do something, because it needed it. I won't tell you that there are not concerns of the business people that are in the community of somewhat of the overlay things. I tell people, if you do not know about it you need to come find out about it. The Delano Business Association also produces a newsletter that goes out monthly, trying to soften those concerns of things that are happening. We are very excited about the streetscaping that is going on in the neighborhood. As one of the consultants that came into Wichita from Atlanta talked about playing on tourism. Delano happens to have the history of the Cowboys, of downtown, the red light area and the honky tonk area, the gambling and all those kinds of things. We are hoping as a business area with that streetscapping plan, to bring those visitors into Delano. They are going to spend money in our area. We are thrilled about that, they are going to go to the other exciting things that the City has already provided over there with all kinds of partnerships, with Lawrence Dumont, the Ice rink and Exploration Place. The Urban Village, I think, is the most wonderful thing I have ever seen. It will clean up a horribly blighted area. People say if your building burns down you can't build it back as it is. That is not exactly true, and I'm not excited or a bit nervous about any of the downzoning that is going on. I think the zoning should apply to the things that are happening in that area now, and have been happening. Things were quite different a number of years ago when those things were set up originally. That is not saying that they were wrong at that time, it is just saying that time has changed, and it's time now for it to change. We want Delano to be a real part of downtown. I am also very tired of hearing east vs. west and that nothing is ever done on the West Side of the river. I have tried since 1992 to prove that wrong and this plan before you is proving that wrong. This group is working together and they are going to work with the City and we are going to make that a wonderful area. I am done, are there any questions?"

**CARRAHER:** "Are there any questions of the speaker? Ms. Osborne-Howes."

**OSBORNE-HOWES:** "Does the Delano Business Association support the plan?"

**RIVERS:** "Yes, they do."

**OSBORNE-HOWES:** "And are you speaking for yourself or for the association?"

**RIVERS:** "No, because the plans have been brought to the association meetings a number of time and we do advertise that so that anyone who really has any kind of bad feelings about it or feelings that they have concerns for it have been to the meeting. To be perfectly honest, they have ripped up a couple of times about different things because they did not understand what was happening. They went away with a good feeling."

**OSBORN-HOWES:** "But are you speaking here today as..."

**RIVERS:** "Delano Business Association representative, yes, and personally too, because I agree both ways with it."

**CARRAHER:** "Mr. Michaelis."

**MICHAELIS:** "Mr. Rivers, I am glad you are here because I think it is important to hear from the business people. I can't really tell from this plan, but by doing whatever is proposed to Douglas, is that going to cause for demolition of existing businesses and rebuilding businesses or is everything going to stay pretty well the way it is?"

**RIVERS:** "The streetscaping will be changing basically the street and the sidewalk area. It won't affect any businesses. At the corner of Sycamore, where the roundabout is going to be, the business on the northwest corner, the business computer place, his driveway onto Douglas will be eliminated and he will probably only have a driveway off of Sycamore at that time. That is the only change that I know of that will affect any of the businesses short of the fact that we area going to be torn up for a while."

**CARRAHER:** "Mr. Warren."

**WARREN:** "I heard you say what I have heard too, is that the major concern in the business community has been that protective overlay."

**RIVERS:** "Yes."

**WARREN:** "I would wonder, is it that they do not quite understand the mechanics of it, the character of it, how it is going to work and they need some satisfactions in that area before they buy into it, that protective overlay?"

**RIVERS:** "I think it is just a matter of education. I think once they see what is happening, I haven't run across, I can't say I haven't ran across, one gentleman told me he didn't think anybody agreed with the streetscaping that he had ever talked to and that is another story. So people do have concerns when they do not know about it."

**CARRAHER:** "Any further questions of the speaker. Thank you Ms. Rivers. Is there anyone in the gallery who wishes to speak in favor of this item?"

**TONI TIMPY:** "I own Westside Flower Shop at Douglas and Seneca. My business was built in 1920 and it does have a fairly representative front for most of the businesses in that area. I am one of those people who was not involved in anything. I have owned this business only 11 years. Ray Rancuret came and dug me out and said you know you ought to come to a neighborhood meeting and see what is going on. So, I said okay. I went to a neighborhood meeting and was amazed because there were a lot of people there. There we 200+ people there and I was just kind of surprise by that. Then I went to the Delano Business Association meetings and there weren't that many people, not nearly like the neighborhood, but I could see that there was some basis for something that could grow and improve, and so I got involved. I am typically not an involver. I have done some political things a long time ago, a long time ago. And I got burned out, but I am really excited about what I see is happening to Delano now. I am on the Neighborhood Association Steering Committee. I am on the Delano Business Association Committee. I have worked with both of these plan all the way through. I have missed zero meetings and I was concerned, for one thing, that the Douglas Streetscape and this major plan for the entire Delano Neighborhood be compatible. I think that is real important. I think we have spent a lot of hours to develop a reasonable and hopefully not too restrictive plan that most people can live with. I think the downzoning is important. I am zoned Industrial. My flower shop is not really industrial, nor are any of the existing buildings still very industrial in the entire area that I can see. One of the big, big industrial sites is now sold, and will be moving out of there. I think it is not a too restrictive plan once people understand and know. There have been a lot of meetings. There have been a lot of hearings, every single plan, every single drawing, everything has been gone over with every single person that had any questions at any time. There have been a few people who have said I do not like this, and they are the people who have showed up at zero meetings. They have not bothered to find out, they come in very negative, very blustery, and most of them went away quietly and I think fairly placated. They understood that we were not planning to force anything down anybody's throat. The protective overlay, as I understand it, is not planned to make people have to do things with existing facilities. If their building were to burn down or get blown away, which is not very likely, because most of those buildings are built pretty darn good. Then, of course they would have to comply with the overlay. I think downzoning is very important, and I think we do not want to force anything down anybody's throat and I do believe staff will see that that does not happen."

**CARRAHER:** "Are there any questions of the speaker? Mr. McKay."

**MCKAY:** "You said your property is zoned industrial, now whether it will or whether it won't, you do not have a concern if you are downzoned from industrial to limited commercial?"

**TEMPE:** "That entire area probably should be limited commercial, that is what we all are. There is not any industrial!"

**MCKAY:** "What I'm saying is, you do not have a problem with that because limited commercial has a lesser value than industrial does."

**TEMPE:** "I really do not. I think that is it is what is good for the neighborhood, and that it is not going to bother me at all."

**CARRAHER:** "Any further questions of the speaker?"

**WARREN:** "You have voiced a little bit of concern about this protective overlay or historic district, whatever it is, and indicated that it probably would not kick in unless you lost your structure and would have to rebuild it. Is that your opinion of what that thing is?"

**TEMPE:** "I think that was the way it was intended since I have been at all the meetings. It is going to preserve what we have now. We are not going to force anybody to come in and change all of their signs because they are not going to comply or look like what we would like the area to look like. The apartments that we were talking about building as a sound barrier on Kellogg would still retain the appearance of what we are wanting of the neighborhood. Give us apartments, give us multi-dwelling for the University so it would really serve several functions, but it would appear to be like everything else in the neighborhood, even though it will serve as something else."

**WARREN:** "I think somebody needs to go back and talk to this organization. If that is what they think a protective overlay does, then I think you should suggest that they come back out. A protective overlay would mean a committee. It could mean that you will have to meet with people that may or may not like what you are going to do. You are going to have to satisfy them. So, I think you should ask some questions about this protective overlay before you say it is going to effect only those people that lose their building. It is going to effect much more than that."

**CARRAHER:** "Are there any further questions of the speaker? Mr. Wells."

**WAYNE WELLS:** "Thank you Chairman. Ladies and gentlemen, it wasn't too many weeks ago that I stood before you and spoke concerning the Delano revitalization. Sorry, Wayne Wells, 432 S. Osage. I'll try not to repeat very much that I said then, and try not to repeat what has already been said by the individuals, but to give you a little more information, a little different perspective perhaps. I purchased the property that I now live in, in May of 1968. The area was a pretty nice area at that time. Most the great majority of it was owner occupied. As I spoke before you, and no doubt many of you know some of the plans, we had come forth of the area between Seneca and the river. As a result, a lot of those buildings started to deteriorate. Homeowners, landowners, property owners did not want to invest money now knowing what was going to be happening. About six years ago the property next to me, 428 S. Osage, was offered to me at a very reasonable price. Every since I lived at my residence, it had been a rental. For up until the time that it was offered to me, it had been a drug house for two separate occupants. In other words, one came in, they moved out, and the next one came in and did the same type thing. So, when it was offered to me I jumped at it. I did not need it, really did not want it, but I did not want to put up with drugs anymore either. I have been endeavoring to improve both of my properties that I live in and this place, which I have not rented and needs a lot of improvements, but like I said, I am endeavoring to improve it. It will be 2 years ago next month that a vacant lot, which at one time was address 414 S Osage, was offered to me. In

all the time I had lived there, that property had only been mowed twice. The last time it was mowed, about 5 minutes after he unloaded his mower I heard a big "bang". And he loaded up and left. As a result of it not being kept up it was taken over by underbrush and we had homeless people back living in there. So, again I didn't need the property, sometimes I wish I didn't, but if you happen to drive that street I do have a pile of wood laying back there and some material that, as time goes by, I am grinding up into compost and putting on my garden area. This is just a little bit of what has been happening in the area. I too, I do not think I have missed a meeting of either the neighborhood association or the steering committee forming this plan. I think it is a good plan. I too reinforce, I want to give my voice to the need portions of it being downzoned at least. Also would like to mention that I delivered the Delano dispatch to the entire area between Maple and Seneca to the River. I talked to all the people that I get an opportunity to talk to as I'm going about that during the month of November, I delivered to all the business and residences north of Maple. Again, that was the first time I had delivered in that area. I have not heard one negative word about what is being done, but I have saw a lot of changes. Since this has been publicized in the paper I have seen some properties cleaned up, I have saw some paint spread. I have seen improvements being done. So, it is catching on and I feel like if we can get the blessing of this group, as well as this City Council and County Commission, to adopt this plan with all of the changes, that might be made before it might be finalized then I think you are going to see a lot of private people put money into their property and see a great improvement in this area, which people do observe as they go to their various places of entertainment, which have already been mentioned."

**CARRAHER:** "Are there any questions of the speaker? Is there anyone else in the gallery who wishes to speak in favor of this item? Is there anyone who wishes to speak in opposition to this time? Seeing none, we move it back to the Commission. Are there any further questions or commentary regarding the item at hand? Mr. McKay."

**MCKAY:** "I notice here at Item #3 we are going to discuss SSMID for the downtown area. Is that going to be one of the ways to finance some of this stuff? Has that been talked about or considered? This plan is great and wonderful I agree with it 100%, but 8.8 million dollars, what kind of financial arrangement have or can be done. Has that been studied? I guess that is my question?"

**CARRAHER:** "Mr. Harkins."

**HARKINS:** "That is one of the things the Community Development Corporation is looking at. that is something that could be done, or some type of business district like that. One of the reasons for the formation of the 501-(c)3 is to begin the process of looking at funding sources as a group, as a non-profit, like working to form a business improvement district or to secure private foundation grants, or state grants, things like that. Like I said, there are a number of funding sources that could be tapped, so, one in particular is not being look at necessarily."

**MCKAY:** "The things you just mentioned are not near 8.8 million dollars. All those you just mentioned are just scratching the surface and that is not even close to the 8.8 million dollars. Say we do the streetscape on Douglas, is that going to be paid for through the City CIP or have we discussed if it is going to be set up like a SSMID? Some of these things need to be discusses, cause quite frankly, and no disrespect, if they have not been discussed among these people they may be saying, "Yeah, we agree and we think it is great" and then all of a sudden bingo, what vehicles have been, whether they use the 501-(c)3 or non-profit group, or another non-profit group, outside development group or whatever it might be. It has got to be some incentive there for those to happen. The ones you mentioned are very small in relationship to the amount of dollars we are talking about spending."

**HARKINS:** "I can see your point. At the same time I would have to say yes, we have. As a steering committee, we have talked about funding. How to secure that as a 501-(c)3, for example. They could go after soliciting donations and grants much like a CORE has in the Center City Neighborhood, which has been successful at fund raising a substantial amount toward there redevelopment efforts, they could work with the City to determine on CIP projects what is funded by public and what is funded by private. Throughout this process, it is going to be a collaborative effort. It will not be just one-side doing everything. As far as public monies TEA-21 funds can be applied for, particular for the park and the greenway concepts. That is one area in particular we have looked at applying for. There are a number of different sources that could be looked at, like I said."

**MCKAY:** "So, my question directly. Is the City willing to say we'll spend x amount of dollars on the streetscape on west Douglas? We need matching funds, but we are willing to step to the table with overall tax dollars and do this revitalization through the CIP or through grants or whatever. Whereas you are able to get those. Where a non-profit organization will not be able to get those things. I am not trying to put you on the spot. I'm just saying I feel like these people need to have some kind of commitment other than this is a great plan. because it takes dollars. The best plan if you cannot back it up with dollars is not going to be worth a nickel. Maybe Marvin should be talking to this rather than you, I do not want to put the bit on anybody. I just do not know that this has been discussed."

**KROUT:** "I think that is why we did put dollars in here; because we realized that it was considerable, the capital improvements, and it would require at least some major portion of it coming from local public dollars and not just counting on grants. But you have to have a plan first before you decide if and when and where you are going to put your money. I am sure the City Council is going to talk about where and how they do it. If you look at Old Town as a model which by the way Old Town has an overlay district too and it seems to be a very successful model. They have used tax increments financing. They do special assessments, and they have used Local General Funds, Community Development Block Grants. So, now this Business District which will provide some limited marketing and operations funds but it does mean a commitment and I think the City needs to look at it. The City has already made a commitment to this area by agreeing to put into the CIP the project, the Streetscape Project, between the river and Seneca. So this is a continuation of that commitment being made."

**HARKINS:** "To add on to what Marvin just said, to further emphasize the City commitment, in the current CIP there is a drainage and street reconstruction project along Maple. Drainage was a concern that came up as well in our breakout sessions. That project over the course of multi-years is around 12 million dollars. This course is adjacent to the river corridor, which in the next 4 years is going to receive considerable amount of investment by the City. So there is already a strong commitment. We are just going to



have work, and the Steering Committee and the CDC will have to work with the City to try to get the additional Capital Improvements scheduled and funding secured."

**WARREN:** "The only thing I would hate to see, the area just west of the new center that we are talking about, The Village, if we spend all our money in that and let some place down on Maple Street or University Street and say "look what we have done for the Delano area, and we have simply done something to revitalize the downtown area and not help the neighborhood. That is one of my concerns."

**HARKINS:** "One of the things that could help with that, and that is a real issue Mr. McKay if the City Council were to decide to expand the Local Investment Area to include the entire Delano area. That would make a lot of the areas like you just described eligible to receive some additional incentives to the revitalization efforts, particular on individual basis."

**MCKAY:** "We have had low interest rates in this area for a lot of years, for redevelopment or revitalization or remodel or whatever, and it has not been very well utilized by the people who live in the area. Whether they did not understand it or did not know about it or what. It should be apart of the total package."

**CARRAHER:** "Mr. Johnson."

**JOHNSON:** "I do not know whether to direct this to you or to Marvin, but since there is a lot of industrial zoned property in this area, I am just going to go on the other side of the fence. What would keep somebody, some industrial user, from coming in, acquiring a bunch of property, and starting to develop a plat that would totally blow this plan apart? Is there something over the top of this now where that property cannot be used like that?"

**CARRAHER:** "Mr. Krout."

**KROUT:** "Is that your question, is they're something like that today? No."

**JOHNSON:** "You were speaking of Old Town. Some of that was industrial wasn't it? Now this overlay that you have now keeps that from being a "heavy industrial."

**KROUT:** "It allows industrial uses, but because of the overlay it controls the size of the uses. It would limit the amount of demolition that you could do in order to create a big site for a big industrial venture. You would have to have some market going for you too it. It is clear in Old Town that there was a market for other commercial uses."

**CARRAHER:** "Mr. Warren."

**WARREN:** "I have a couple concerns. I think Mr. McKay touched on one of them. I would like to say first, there would be those that would say, you out in the county, what involvement would you have in the area? Like the gentleman I heard earlier was born at Seneca and Douglas. I grew up in this area I delivered papers up and down this area. I grew up within three blocks of it, so I am quite aware of what is over there and the history of it. The two concerns I have over this plan and that is what Commissioner McKay said, and that is the funding of it. We make these great plans, and I say this is a great plan I find very little wrong with this plan, but if it is going to be a pie in the sky and we are not going to fund it, then we have let people down. We have dodged them up and said we are really going to get in here and do something, and then lack the funding, well, we really have not really accomplished a great lot. Therefore, I would hope that we are committed and I have no way to know that, nor does anybody here, but I hope that that goes along with it. I would like to point out, I think we need to go back and talk to these people again about, this overlay. On page 28, we say "upon establishment of a historic overlay district, controls are imposed on alterations, demolition, reconstruction, as well as destruction of buildings. While these controls limit the individual's freedom to change the character of it's property, I do not think we have ever discussed from what I can gather in talking to people out there, how does that work? What did we give up in the way of freedom, I am talking about freedom now, whereby we have a zoning ordinance on the book. Anybody can go in and read it. Anybody can determine what they can, or cannot do within the framework of the zoning ordinance. It is very clear. But here, we are going into a committee type thing that is more subjective, more ambiguous. The possibility of that at least could be arbitrary and depending on who that committee is from time to time as what you can do with your structure. So, I simply would say this, if this is to go forward, those people deserves the right to know how this overlay works. We have a lot of overlays. We have some that are very specific. We say you can have this zoning with an overlay subject to the elimination of restriction of A, B, C, D, that is easy enough to understand. If it is an overlay that involves a committee who subjectively decides how you want to remodel, then I think you are going to have to take another look at it. I think there are a lot of answers that need to be made in that area. That one area bothers me more than anything about this does. We are going to give up a number of freedoms to somebody. Who and how do they operate, and what is the criteria?"

**CARRAHER:** "Mr. Krout, did you have a response?"

**KROUT:** (Tape 2A-319)"I guess I think I could try to respond by saying that those decisions would be placed in the ordinance that would be available to the public and to the Planning Commission to review. Just like in Old Town and in the Historic Districts, every property owner was notified of the Public Hearing and given the opportunity to speak in favor or in opposition, like on any zoning case. They will be given the opportunity to do that too. They will know what the plans are. The other thing is, where we have created a district wide overlay, whether it's historic or Old Town, those are the best examples, we have also guidelines, and we have drawings and it may not answer every question, but it gives people a pretty good idea of what it is that they should expect, of what they can and can't do. We do feel like we are obligated to do that and make it as objective as possible and I think we have been fairly successful in that regard. I think what the plan says here are some ideas about what those guidelines might look like, but they need to be further developed and refined."

**WARREN:** "Well I think the ordinance too would pretty much set to provide for that Commission or that Committee or whatever it is that is going to oversee this. Whether or not we can be clear enough to give them guidelines so that they couldn't maybe if they decide that they do not like pink, or they do not like yellow, or that a guy wants to remodel to his house and make a little change to his porch and somebody doesn't like that, this bothers me. That we subject ourselves to having to satisfy some committee that is off here somewhere, who has an idea that is not worth anything. I have seen New Orleans work the French-Quarters defined with an Old French architecture. We do not have that. I heard a woman talk about that earlier, about the character. I do not know how you define the character. Now she can define character, to her own satisfaction. Does that compliment what the committee thinks is the character? I doubt it, I think there are a whole lot of people who think they know what the character ought to be."

**CARRAHER:** "Mr. Harkins."

**HARKINS:** "One of the things discussed, and you are right Commissioner Warren, this could be potentially very subjective. That was something that was discussed in great detail multiple times during the development of this plan. We consistently as a steering committee, came to Old Town as an example in looking at how the committee was set up, how it was structured, how the process worked, and the steering committee continually kept saying. "When we go to develop this we should use that as a model for what we want to do for the zoning overlays", particularly with the administration and the committee set up so that it's not entirely sitting in a room saying, "Well, we do not like that color, so you can't do your remodel." That is something that the steering committee wants to avoid entirely. We do not want to be that subjective. However, we do want something that allows some protection for the overall character of the neighborhood while giving property owners the flexibility to do remodeling or work as needed to improve the property."

**WARREN:** "Old Town on the other hand had character. It was an industrial type area. It was fairly easy to follow along. I do not see that following along here. I do not see that in Delano. I do not see that consistency that you started out with in Old Town. I see a lot of diversity out there."

**HARKINS:** "You are right. It is a very diverse neighborhood, and that is the reason why the Steering Committee has looked at potentially trying to do the zoning overlay to be specific in some areas. As far as the Urban Village, we are looking at this type of design, this type of character. Whereas in somewhere else, like University Avenue, it should reflect something different because it is a diverse neighborhood and what you have in one neighborhood is not necessarily the same in another. That is something the Steering Committee wants to protect as well when they develop these overlays."

**WARREN:** "These additional disclosures, I feel like, should have the devil's advocate there, whereby it is not a sell game, but some questions, some hard questions like how would you answer this. I am hoping these business people out there will come up with those hard questions."

**CARRAHER:** "Mr. Hentzen."

**HENTZEN:** "I believe there are three, four, or maybe five groups like this in our City I am not sure, Delano and so on. So, it is not the only thing we are going to have to talk about. It does appear that if you form that Community Development Organization, I think it is possible that there might be funds that could be applied for that are not necessarily local funds. I think that we probably ought to do that for everyone of those neighborhoods, make sure that they have the structure where they can apply. Now, we talked a little bit about that downtown CORE thing that we are going to work on yet this afternoon, and in the thing it says that those that own property down there are going to get a 10 mill increase, or something near that to fund what they are talking about. If these neighborhoods that we are talking about are just making up wish lists and they do not have to do anything, I do not think we have enough City money to fund them at all. They are going to be a little bit funded around the whole dang bunch. I think this is a hell of a good plan. I like it, but I think we ought to be realistic about it and not just keep telling these people, "Yeah, you are going to get all this". You and I, or most of us, are going to be in the grave before the money is delivered. I just put that out there to say this is not the only thing we have to deal with on money. You saw in the last three or four days that the City said our legislative plan is to get more authority to tax. We do not have enough sources of tax money. Well, all that means is, if you have to take it from those who have it to make money, create wealth, you have to take it away from them. People who do not create wealth do not have any money. However, they want all these neighborhoods revitalized. All I'm saying is let's be sure we have the structure that we can apply for any funds that are available. Let's continue to make it easier to work in older neighborhoods. If you put all the restrictions that everybody could think of you will not get anywhere. I know the University, Friends University and the Masonic Home, I am proud of both of them for what has happened in the last number of years. I think they are a real asset in this area. They both are in this area and so let's do not make it so difficult that we can not continue that."

**CARRAHER:** "Ms. Osborn-Howes."

**OSBORN-HOWES:** "The first thing is that I thought it was great when Mr. Warren said that Old Town had character and he questioned whether there was a common character in Delano. I am reminded back when they were first talking about Old Town and I was fairly new on the Planning Commission. One of the comments some of the Commissioners made at that time is that Old Town had no character. So I think 10 years later we can all say "look at Old Town," it has character, but look at this neighborhood we are not so sure about. Another comment that I have is that I think it is great when I see these plans that come from the neighborhoods. This idea and this plan that we are saying we really like so much, really came from the neighbors and the neighborhood, and I think these people are not stupid. I think they are urban pioneers today. I think they fully well know what they are getting themselves into. I think this plan is a good plan partly because of them. I am also reminded that about 10 years ago we looked at Riverside Park, and at that time I lived on the park and it wasn't a park that was used very much and everyone said there was no plan and God knows what will happen to this. I think it is this year that some stuff will be breaking ground and that plan will actually come into fruition, thanks in part to the neighborhood. In the meantime, the neighborhood has raised some funds for things that are being

done in that park. So I guess this makes me feel great. The final thing I would have to say is I do not think there is a need us to reinvent the wheel. All over the United States, cities are looking at these issues of how to revitalize older neighborhoods and where to get the monies. There are plenty of opportunities to do this. We need to look at it. We have looked at and approved other neighborhood plans in the last few years, if I am correct, that involved a lot more money than this."

**CARRAHER:** "Mr. Michaelis."

**MICHAELIS:** "I would like to ask a question of Mr. Rancuret if I could. Could you come back to the podium please? You do not have to take your jacket off. Are you going to have another meeting between now and February 8?"

**RANCURET:** "You mean a neighborhood meeting?"

**MICHAELIS:** "Yes."

**RANCURET:** "Yes, the 16<sup>th</sup>."

**MICHAELIS:** "Has discussion ever come up at any of these meetings or maybe it would, like for example, we are talking about funding now in particular. In worse case scenario if this was designated an improvement district and it became a special assessment financing thing, would that be something that the people would support?"

**RANCURET:** "Am I glad you are asking that question because I have been sitting there dying to get attention. Mr. Hentzen, thank you for bringing it up. I have been from the very beginning very clear about it, that if the City can contribute particularly on those areas that are common which we, oops its gone now that we consider common, and you saw them on the screen beautifully, the rest we will do ourselves. We are a development corporation prepared to attract funds. I have identified 40 foundations across the United States that are willing to give money for specific projects such as this. I am not re-inventing the wheel. You go look around you, Lawrence Kansas, Des Moines, Iowa, Kansas City, Missouri, Independence, Missouri, St Louis, Chattanooga, Memphis, Nashville, all the way across the way up north, including Minneapolis area, it is being done. We just intend to copy it. As soon as we have our Corporation established, we are going to write for a grant using the plan as a basis."

**MICHAELIS:** "So, bottom line is you guys have discussed that and you are willing to do it."

**RANCURET:** "Yes, and the neighborhood has been informed of that."

**MICHAELIS:** "Thank you."

**CARRAHER:** "Any further question or commentary of the Commission? Mr. Johnson."

**JOHNSON:** "I just want to say that I think it is a great plan. I hope that at some point and time everything in the plan would come to be. I do not know whether it will or will not. But I think the other thing I want to say is I think what I like about the whole situation is it is taken an area in the City to see how all of a sudden there are members of the community have got together, having meetings, get together and the line of communication is open. I guess I want to applaud them for that because we got a lot of new areas, that we get to deal with individual cases on, and they do not have this type of representation, or people talking with each other and I think it is great. I think it is a great plan, and I hope they can get everything that they want."

**CARRAHER:** "Mr. Barfield."

**BARFIELD:** "I just want to say, I think that while the plan is great, you know and as Mr. Hentzen said we might end up dealing with 5 or 6 of these. I can tell you that there are CDC's being developed all over the country. There is only so much money so somebody is not going to get any money. And when we talked about things like citizens in a varmint, we think about the College Hill security code that was done within the last couple of years. Of course, they came forth with some money, I think because the City matched them. Some of these groups are going to have to come to the table with some money. Because there is not going to be enough money, and there is not going to be enough grants to justify or to fulfill all of these requests that are going to come forward. Like the gentleman said, these are coming from all over the county, not just Wichita. Somebody here is, I think, is going to be left out. Like these gentlemen have a CDC, I think the amount of money they are able to raise is going to be dependent of the talents and the skills of the members that make up CDC."

**CARRAHER:** "Any further commentary? Mr. Michaelis."

**MICHAELIS:** "One final question. February 16th you said was the meeting. Can you tell me the time?"

**RANCURET:** "January 16<sup>th</sup>"

**MICHAELIS:** "January 16<sup>th</sup>. Could you tell me the time"

**RANCURET:** "7:00 p.m."

**MICHAELIS:** "And where is it at."

**RANCURET:** "That will be at West Douglas Christian Church, 1819 West Douglas."

**CARRAHER:** "Any further commentary? I guess with that in mind I would open the floor for a motion to table this item until February 8 of 2001, when we can complete a statutorily legal Public Hearing. It has been moved by Mr. Warren and seconded by Mr. Hentzen."

**Motion:** So moved by Mr. Warren to table item until February 8, 2001

**Warren** moved, **Hentzen**, seconded the motion, and it carried unanimously (11-0). (Tape 2-036(2) A)

**CARRAHER:** "Are there any questions regarding the motion on the floor?"

**JOHNSON:** "Does that mean the Public Hearing is still open?"

**CARRAHER:** "Yes. Any further questions regarding the motion? Moving to a voice vote."

(5 minute recess)

**3. S.S.M.I.D. – (Self-Supported Municipal Improvement District)-Determination of S.S.M.I.D. for downtown Wichita as being consistent with the Comprehensive Plan."**

**MCKAY:** "I would like to declare that I have property in this District and so I am going to step down and listen to everyone else."

**CARRAHER:** "For the record, Mr. McKay has stepped down on this issue due to a possible conflict of issue."

**ALLEN BELL:** "I am the City's Economic Development Director. I am here today on behalf of a Downtown Development Cooperation. The Wichita Downtown Development Cooperation which has proposed the establishment of a self-supporting Municipal Improvement District in the area of downtown Wichita. The reason this is on your agenda is because the statutes that provide for the establishment of a downtown or a Municipal Improvement District such as this requires that the Planning Commission for the area make a finding that this proposal is consistent with the Comprehensive Plan for the development of the area. That is what the Downtown Development Cooperation is asking the Planning Commission to do. In a couple of weeks this group will be asking the City Council to consider the establishment. The City Council will actually be holding a Public Hearing at the request of this group on the establishment of the district. Then one month following that Public Hearing they will be under the provision of state law to actually adopt an ordinance which establishes the Municipal Improvement District. The reason for the one-month delay is to provide for the circulation and compilation of a protest petition which could block the establishment of the district. I believe that you have been provided with fairly extensive material on this. And I have placed at each of your places a copy of a two page informational sheet that has been used for publicity purposes for information sharing with members of the downtown community, property owners, and business owners in the downtown area. You also have a map that shows the proposed boundaries of the district. Here is a larger scale map of the district's boundaries would generally be Central street on the north, Washington Street on the east, Kellogg on the south and the Arkansas River to the west. With it, it kind of comes down Central and I am not even sure we have in the legal description of what the name of that street is that runs in front of Riverview building."

**KROUT:** "Greenway Manor?"

**BELL:** "I think Greenway Manor actually runs back here, and then it cuts across to approximately where the War Memorial Park is to the river. This is a proposal that was first brought to light a couple of years ago when a petition campaign was taken, petition drive and a slightly different proposed district was proposed at that time. The petition, it was only different in the sense that fairly small area at the corners, at this corner and this corner, the rest of it is the same. The district sort of zigzags down and cut off the northeast corner and it also cuts off some of the southeast corner as well. That was done at the time for strategic reasons. The promoters of the District wanted to enhance the ability to get a partition that achieved the necessary percentage of signatures, and this time around they have proposed to square off the District. It was a pretty unanimous feeling of the people that were involved in putting this together this time around that one, they did not need to do that, and two it, would be more equitable if they squared off the boundaries. The purpose of the SSMID is to provide a mechanism for accessing the property within this area in order to raise money, to fund a budget that would be proposed and controlled by the governance structure of this district which would include business and property owners and not the City. There would probably be an ex-officio City representative, but it would not be the City that would develop the budget. The City Council would be required to adopt the budget, but it would be limited to adopting a budget recommended by the steering committee or the governing body of the Municipal Improvement District. There will be limitations on what can be financed with the assessment. Most principally, the assessment revenue cannot be used to replace currently programmed City funds. It cannot be used to provide the City with a way of financing ongoing or general City services in the area. This will be a restriction that will also be placed in the ordinance and will be a binding commitment in the way that similar to, you, you may recall, when the one cent County-wide sales tax was passed in the mid-1980s. Both the County and the City adopted a resolution and ordinances that restricted the use of the sales tax revenue to roads and bridges and for half of it to offset property taxes. So, we do have legal authority to restrict the use of that funding. In the material, you have listed several of the things that the money would be used for. It breaks down into three general categories. One is Image Enhancement and Marketing Activities, another one is Business Retention & Recruitment, or I like to think of it as Economic Development, that would be my area, and the third area is Urban Vitality Improvements, and they list things like seasonal banners, street furniture, special downtown events, and that sort of thing. The plan under the proposed Municipal Improvement District is that, the Downtown Development Cooperation would be the entity. It is a Community Development Cooperation 501(c)3, similar to what is being established in the Delano area, and will be responsible for administering the expenditures of these funds. They would hire a staff, and the current proposal, in the budget that you see before you reflects a hiring of four individuals, a Director, Economic Development Direct Market person, a research staff person and an office support person. That is not the proposed budget, I should say, because there is no governing body to approve a proposed budget yet. It is really the consultant's idea of how the money could be spent. They

anticipate raising \$426,000.00 and based on 2000 assessed valuation of eligible property in the district, it would require about, this number says, a 7.8 mill levy to raise that. The latest information that came about after this was printed, based on further analysis of the property values, about 7.5 mills is what we think it would take to fund this proposed budget. Again, it is not the officially approved proposed budget because that will be officially proposed by the governing body once the SSMID ordinance is in place. The ordinance will set a limitation on the amount of mill levy that can be levied, not to exceed 10 mills. It will be budget driven in that a budget will be proposed and so long as that budget, does not require more than 10 mills, whatever mileage is required is what will be enacted. Also, it will sunset in 10 years. I think with that kind of background I would like to entertain any questions and ask you to consider a finding of compliance with the Comprehensive Plan."

**CARRAHER:** "Are there any questions of the speaker or Mr. Bell."

**GAROFALO:** "The City Council has to approve the budget."

**BELL:** "Yes, sir."

**GAROFALO:** "Can they change the budget?"

**BELL:** "I believe the way it has been explained to me, and I am not the real expert on this, but I believe they can send it back to the governing body and suggest changes. Under the terms of what is going to be proposed or established in the ordinance, the governing body would have to re-submit an adjusted budget."

**GAROFALO:** "In this proposed operating budget, or estimated budget or whatever you want to call it, the SSMID operations, is that 11.7 %? That is pretty high I think."

**BELL:** "Overhead, rental of a facility that sort of thing."

**GAROFALO:** And staff is spread out amongst these items. In fact, staff costs, and I do not know if what Marvin had sent out included the more detailed breakdown of the budget, it may not have, but the staff costs, if you went and analyzed it, are slightly more than half of the total cost. I think it is somewhere around \$250,000.00 staff costs. I think that is something that the governing body is going to want to look at. Like I said, this is the consultants idea of what a good budget would be."

**GAROFALO:** "What kind of staff is anticipated?"

**BELL:** "I mentioned a four-person staff, which I also happen to think is a little heavy, but they would have a Director, and then a person that would be in charge of both Marketing and Economic Development Recruitment kind of things, attraction of business kind of things, another person, separate person, that would be a research type person, and then our office support."

**HENTZEN:** "Have the people involved in this area, have they approved the idea of what you are presenting?"

**BELL:** "That is a good question?"

**HENTZEN:** "Why sure it is, I asked you."

**BELL:** "I say that because I should have mentioned it before. Two years ago when this was first brought to the City Council, City Council accepted a petition. There are two ways that the District can be established. One is by petition, where at least 25% of the owners of at least 25% of the property in the proposed district signed a petition. Well, that is pretty low and the City Council informally told the promoters that they really needed to have a significant majority. They came back with over 60% signatures and that was tough to do. That was a lot of work and arm-twisting, persuading and so on, to get that to come about. They brought that in for a variety of reasons. The City Council still was not comfortable with the idea of imposing an additional tax on downtown property. So they turned it down, they defeated the proposition at that time, in spite of the fact that there was over a 60% petition. All of you may have read in the newspaper article or been at the tourism presentation when the Mayor announced his change of opinion on this subject, and that is what brought about this new initiative to establish the district. He had suggested that it would not be fair to all of the people that worked so hard a couple of years ago in getting the petition, to require them to do that again. So we are using the other method that is available under law, which is simply ordain it, to order it in. If that happens, there is an opportunity provided for a protect petition to be circulated, and if at least of 40% of the owners of at least 40% of the property sign the petition, then that blocks the establishment of the district."

**HENTZEN:** "A little bit further. I think you are correct in saying that 7.5 mills will make this budget successful. 1985 we had a vote here in Sedgwick County, no it was before that on Aging funds, that said we could go up to a certain mill. I think it was 1 mill or something on all the property in Sedgwick County, but the budget was set for the Aging department by the County Commissioners, and it never did get to the maximum. I think it might be to the maximum now, but that turned out to be a very excellent way of funding the aging necessities. The only other thing I want to know from Susan, they mentioned banners here, and since you are the expert on banners, I want you to tell me if you support this?"

**OSBORNE-HOWES:** "Yes, as long as there are no loudspeakers."

**CARRAHER:** "Mr. Barfield, and then Mr. Garofalo."

**BARFIELD:** "Mr. Bell, is this more or less a City sponsored or City operated Community Development Corporation?"

**BELL:** "No sir, I would not say that. I believe, I know for a fact in the first go around it was a initiative that came out of the Wichita Sedgwick Partnership for Growth/WISE. Remember WISE, they had a program as part of their organization for the promotion of downtown development. They went through a time of financial difficulty, and so on, where they needed to spin-off a number of their functions. This whole thing came out of an effort to establish a financial security for the operation by the private sector of downtown redevelopment. It was their initiative entirely. The City was reacting and not being proactive. Now this time they probably would not have done anything if the Mayor had not gone to them and said, "I have changed my mind, I was wrong, you were right. We should have done it then. I'd like you to take another look at it." It might be possible to say that there was some City initiative in that instance, but that is where it ended. The Downtown Development Corporation and the downtown supporters stepped up strong and have been leading this effort, and my role and that of the other City staff that are involved has simply been to produce maps, crunch numbers, and that sort of thing."

**BARFIELD:** "We have to take into consideration though that the City has to approve the budget. We look here, we see that basically the appointee for the board of directors will have to be submitted to the City Council for approval."

**BELL:** "That is statutory."

**BARFIELD:** "That almost appears to me that it is operating as an arm of the City. Whereas WISE certainly was not. They were operating as part of the sub-committee I guess you could call of the Chamber, was how they operated at the time. This group here it appears to me would not be."

**BELL:** "Well, they believe, I think if you talk to them you'd find that they believe that they will be. Now they do have to submit their budget to the City Council for approval, that is required by law. However, they are proposing in this proposed ordinance a mechanism that would require the City Council to approve it or not. In addition, if they do not, then, the Council would send it back to be reworked and brought back again."

**BARFIELD:** "Well, let me ask you one final question. Are you telling me that this group could not be effective without the backing or the participation of the City Council?"

**BELL:** "Legally they could not be."

**GAROFALO:** "On December 12, when this resolution was passed was it a unanimous vote?"

**BELL:** "The resolution that was passed on December 12 unanimously was a resolution setting the date for the Public Hearing."

**CARRAHER:** "Are there any further questions of Mr. Bell. Thank you, Mr. Bell. I am going to move it out into the gallery. Is there anybody here to speak on this item? Seeing none we will move it back to the Commission. Is there any further commentary or any further questions from the Commission regarding this plan? What is the pleasure of the Commission? Ms. Osborne-Howes."

**OSBORNE-HOWES:** "Is it appropriate to make a motion that it be found consistent."

**CARRAHER:** "Yes, consistent?"

**OSBORNE-HOWES:** "That it is consistent. Well then, I will make that motion that it is consistent with the Comprehensive Plan."

**CARRAHER:** "It has been moved by Ms Osborn-Howes and seconded by Mr. Michaelis that this does fall within consistency with the comprehensive plan."

**Motion:** That proposal is consistent with the Comprehensive Plan."

**Osborn-Howes** moved, **Michaelis**, seconded the motion, and it carried unanimously (10-0)."

**WARREN:** "Just as a comment, what part of the Comprehensive Plan covers this?"

**KROUT:** "Attached to your information, we have several pages that are excerpts out of what is called the RTKL Plan that was adopted officially by the Planning Commission in 1989 as an element of the Comprehensive Plan. Those excerpts specifically talk to the ideal of a self supporting district organization with some sort of power to tax themselves and do the kinds of things they are asking to do."

**CARRAHER:** "We will move to item #4."

#### **4. DR 00-17 – Review of proposed unilateral annexation by City of Park City for consistency with the Comprehensive Plan."**

**KROUT:** "I think we can handle this very briefly, unless you have questions. We have provided you with the Park City service plan. They are attempting to consider the annexation of land west of I-135 and east of Burlington Northern Line, which is about a mile anywhere from 53<sup>rd</sup> street to 45<sup>th</sup> street. It is an area that is south of their sewer treatment plant; an area that they had always expected to be part of their service area. It is an area where Wichita and Park City formally agreed to boundary lines: 45<sup>th</sup> street and the railroad tracks, between the 2 communities in the future, and that is reflected in the Comprehensive Plan the growth areas of those two cities. I expect that not everyone is going to be pleased when they have their Public Hearing. However, your

responsibility here is to look at this and determine whether it is consistent with the Comprehensive Plan, indicated by attached maps, and yes, we believe it is. We would like you to make a motion to that effect."

**CARRAHER:** "Are there any questions by the Commission regarding this item before Mr. Krout. Is there anyone in the gallery who is here to address this item? Seeing not, what is the pleasure of the Commission? Mr. Warren?"

**WARREN:** "I would move that the proposed annexation by Park City does comply with the Comprehensive Plan and approve as presented."

**CARRAHER:** "Is there a second?"

**BARFIELD:** "Second"

**CARRAHER:** "It has been seconded by Mr. Barfield. Are there any questions or commentary regarding the motion on the floor? Seeing none, we move to a voice vote. All those in favor signify by saying I, all opposed the same sign."

**Motion:** That this plan does comply with the Comprehensive Plan.

**Warren** moved, **Barfield**, seconded the motion, and it carried unanimously (10-0).

**CARRAHER:** "Next is item #5."

## **5. Discussion of new report on manufactured housing parks."**

**KROUT:** "Tonia Fairbanks is going to make a short presentation and prepared to answer questions and take comments from you. The genesis of this is that we have 1 pending zoning request at 47<sup>th</sup> and Seneca area that will be coming to you on January 18. It is also in the middle of a neighborhood planning area. A neighborhood plan is underway, and I think a couple of evenings before the Planning Commission hearing that Neighborhood Sub-Committee is going to be meeting and they will take this up under discussions one of the items they are suppose to look at is the role of mobile home parks in the future of there planning area. We had done a study back in 1997 and I think we attached that to the back of this report. Also, they began to look at the issues of demand and supply for this land use in the southern part of the city. We have also inquiries and zoning requests. We recently approved one near Greenwich and Kellogg. We have other inquiries recently for Manufactured Home Parks (MH) in other parts of the community and south so we thought it would be appropriate to update that information refine it a little bit and give the Planning Commission and that neighborhood planning committee a little bit more of information and context for the decisions you are probably going to have to make over the next few months on pending cases. So with that, I will turn it over to Toni."

**GARRAHER:** "Ms. Fairbanks the floor is yours."

**TONI FAIRBANKS:** "Planning Department. As Marvin said, the planning department was asked to update the 1997 report on manufactured housing. You should have a copy of that with colored maps. If you do not, I have some additional black and white copies. The data was updated using the GIS database to generate maps and perform calculations. Field surveys were conducted as well, case files maps were reviewed. This report covers the entire City of Wichita, whereas the last report covered just a small portion of the south area. From the information collected, we found that there was approximately 1275 acres of manufactured land in the City of Wichita. Of that, staff estimated about 300 acres are undeveloped. In these undeveloped areas or here on the map in green, of those 235 are in south Wichita area, 54 are in north Wichita and 11 are in east Wichita, the case that you recently approved. Further analysis conducted as part of this report found that 54 acres currently are considered undevelopeable because they are covered by pond water or lake water or some kind of collection area for construction materials which would leave about 246 acres of undeveloped MH zoned land. In the 1997 report, they listed 12 acres per year consumption rate. Going on that same estimate, we would project about 20.5 years supply for manufactured housing of undeveloped land. The 1997 report, staff "designated" approximately 100 acres of additional land appropriate for manufactured housing. They called it "Possible Future". "Possible Future" area today is about 87 acres in this south area. On this map, it is the area in blue. To guarantee an adequate supply on the West Side of Wichita, current staff has designated an additional 77 acres as "Possible Future MH". If this is to be maintained and developed on the westside of Wichita then the 1999 Comprehensive Plan ought to be updated to reflect this. There are two current pending zoning cases as Marvin mentioned and are not part of this designated area. Combined there designated areas and the current zoning cases would add additional 19 years supply for MH. Just as a comparison with the 1997 report, which as I mentioned has a smaller study area, they had initially reported that 201 acres of undeveloped MH land was available at that time. Current analysis shows only 82 of these acres are still available. On this map, it is pretty hard to tell, but on your handout it is a little bit clearer. They are the areas that have a white # next to them. We figured this decline is probably due to a couple of factors. 1) The initial report probably did not account for undeveloped land. 2) 104 acres in MH zoned land have probably developed and filled-in since 1997, which realistic reflects a 36 acres per year consumption rate as opposed to 12 acre per year. Now this would suggest that the initial report underestimated the demand for manufactured housing in this area or the initial report underestimated the existing development in this area. Staff has made a few comments and recommendations based on experience, past experience, this is a collective recommendation. We recognize that there is a demand for MH in Wichita, and we acknowledge the directive in the Comprehensive Plan to have diversity in housing. However, at this time staff is a little reluctant to recommend MH zoned land for the following reasons. 1) MH development is not taxed at the same rate as site-built development and generally does not appreciate, as does site-built home development. 2) Schools do not receive the same tax revenue from MH development that they do from site-built development. 3) There is a better long-term investment for the property owner as site-built development. 4) In some cases, MH could be seen as unsafe. 5) In our recent efforts to revitalize the downtown, staff feels this is a competing market for the same house buyer. 6) We believe that there is an adequate supply of undeveloped MH zoned land

available to develop and therefore staff would recommend MAPC encourage this undeveloped land to be developed before approving any more. Now on the flip side, if MAPC determines that more MH does need to be zoned into the City of Wichita, that it be located adjacent to existing MH and/or in areas where physical and economic conditions are more suited for MH development. Again, staff recommends that strict landscaping requirements continue to be required of MH development and buffered from traditional single-family housing. In regards to the south Wichita area, as Marvin mentioned, we have currently contracted with Yearout and Associates and King MERJ Public Relations to develop the south Wichita/Haysville Area Plan. One of the items that is to be addressed is to MH lay out some guidelines for what should happen in the south area, and staff feels that this commitment to south Wichita and the residence of south Wichita that at this time it may be a bit premature to approve any new zoning cases. Also on January 10, the steering committee will be reviewing the zoning case as well as review this report, and those comments will be brought to you I believe on the 17<sup>th</sup> or 18<sup>th</sup>. With that, I will take any questions, comments."

**CARRAHER:** "Are there any questions for Ms. Fairbanks regarding the item? Mr. Hentzen did you have any questions."

**HENTZEN:** "Is it your judgement that the staff would not support more acreage for mobile home parks in the eastside, westside and northside of this County? I understand that most of them are down in the south, but if we keep approving mobile home parks down there, it gets more aggravating all the time."

**FAIRBANKS:** "And that is what we area hearing at the Steering Committee meetings

**HENTZEN:** "I am sorry I cannot hear you."

**FAIRBANKS:** "In south Wichita, that is what we are hearing from some of the citizens is that they feel they are getting their fair share of the MH and perhaps we should look elsewhere. It is my opinion that staff would carefully review each of those cases to determine if more MH should go into Wichita period."

**HENTZEN:** "I know some people do not like MH period. Some people need that price of a house. But what I am asking is, if you came with an application in these areas, other than south, are you taking the position that you would not recommend approval because there is already a bunch approved down south?"

**FAIRBANKS:** "I am not taking that position. I think each case should be reviewed on case-by-case basis."

**HENTZEN:** "What do you think the staff would take?"

**FAIRBANKS:** "I would defer to Marvin on that."

**HENTZEN:** "I know Marvin doesn't like anything like that, but anyway. And then on the West side you have Regency Park out on west 54, and then the one up there on Maple, on west, I do not know the name of it, but it would seem to me that if you could expand those, if you have applications where it is already there, right next to them, that that would help alleviate the problem of forcing it all into the south district."

**FAIRBANKS:** "On the West-side there, and that is what we have pointed out there with the blue area, and if you will notice though, we have kept, I do not have the parcel data here, but we have kept a buffer there with the street and taken that line directly north as opposed to all the way to the street. Again, that is to encourage the buffering of MH. And down south of US-54, in the Comprehensive Plan it mentions that you should have buffering like where there is substantial highway or railroads, and we felt that might be a logical expansion of MH, if it was to continue on the westside."

**CARRAHER:** "Are there any further questions of Ms. Fairbanks? Mr. Garofalo."

**GAROFALO:** "Please clarify for us, on the Haysville/South Wichita group which I attended, but is the report due soon?"

**FAIRBANKS:** "April or May is when the S. Wichita/Haysville report or area study should be complete. I do not know if the timetable can be pushed forward for this MH study. I think some of those things can come out in the meeting on the 10<sup>th</sup> when we speak with the consultants."

**GAROFALO:** "I guess this question is for Marvin, would we, could we legally put a moratorium on anything down there, until this report comes out?"

**KROUT:** "The Planning Commission can not put a moratorium on the property, that would have to come from the elected officials. Moratorium is usually on issuing permits for construction not on zoning. If you did not want to grant new zoning until the study was completed, I think you would have to ask the applicant to defer or you would, or if they were willing to you could defer the case until the study was completed or for x-amount of months. Or else, if they were not willing to do that and you thought it should wait until the study was completed, then you would recommend denial if you were voting. It is possible that this neighborhood group could tackle this issue of MH parks early on in this study and not have to wait until April or May until they have an answer. We just felt that because we are in the middle of that neighborhood study that we needed to throw this zoning case at them and say "take a look at this and see how it fits into your overall thinking for the area", and not just let it go by and then suddenly tell them oh, by the way we approved 80 acres of MH park while you were doing your neighborhood plan."

**CARRAHER:** "Any further questions for Ms. Fairbanks? Is there anyone in the gallery wishing to speak on this site? Are you wishing to speak in favor, or opposition?"



**KROUT:** "We have a zoning case coming up on January 18, and as long as we are not talking about specific comments that relate to that case at 47<sup>th</sup> and Seneca, I think if the Planning Commission wants to entertain public comments on this study that the department developed, that would be fine."

**CARRAHER:** "I would be agreeable to that. Sir, are you wishing to make some general comments in regards to this? Can I have you approach the podium please? Sir you will have 5 minutes to speak. I need to get your name and address for the record before you begin."

**TOM BYRNE:** "1001 S. Stagecoach, Wichita. As I stated I am Tom Byrne, I am the president of the Kansas Manufacturing Housing Association. I am also a member of the City of Wichita, District 2 Advisory Board. I would like to make some comments about the report itself, in general. Specifically, the six items that are reasons for not recommending approval. Reason #1, Mobile Home Development is not taxed at the same rate as site-built home developments and does not appreciate in value as the site-built. I would like to refer to (Tape 2B-609) Kansas Statute 79-340 Mobile and Manufactured Homes as personal property exception. Any mobile home or manufactured home used as a dwelling or residence shall be appraised for advalorem tax purposes in the same manner as real property. In addition to that statute the Kansas Statute 79-1439 Appraisal of real or tangible personal property at fair market value. All real or tangible personal property which is subject to general advalorem taxation shall be appraised uniformly and equally as to class unless otherwise specified herein, and shall be appraised at its fair market value. Real property used for residential purposes, including multi-family residential real property, real property necessary to accommodate a residential community of mobile or manufactured homes, including the real property upon which homes are located, is assessed at 11.5%. Personal property shall be classified in the following class and assessed at the % of value prescribed therefore. Mobile Homes used for residential purposes at 11.5%. So the tax rate issues, I take issue with. They are taxed the same according to state statute. The other portion of reason number 1, doesn't appreciate in value as the site-built. I do not know what study supports that, I have excerpts done by Auburn University, East Carolina University and a list of 5 other studies that state that Mobile Home Developments do appreciate in value. Just to share a couple comments with you. Do manufactured homes appreciate in value, this is Auburn University, Montgomery study 97-99, published in 2000. Manufactured Homes will appreciate at the same market rate as other homes in the same neighborhood, but as with all housing they are subject to the same market factors which affect appreciation. Another study, North Carolina, East Carolina University, there is no clear negative correlation between the over all appreciation rate of site-built residential properties and the presence of Manufactured Housing in close proximity. This is verified for both scattered site manufactured homes and large-scale manufactured housing communities and various distance scales. Reason #2. Schools do not receive the same tax revenue from Manufactured Housing development as they do from site-built homes. Again, I would like to reference Kansas Statute that addresses school funding. Kansas 72-64.31, the tax required under subsection a) shall be levied at 20 mills in the 1999-2000 school year, and in the 2000-2001 school year. This was updated in 1999. Another statute addressing school funding, Kansas Statute 72.6410, state financial aide means an amount equal to the product obtained by multiplying base state per pupil by the adjusted enrollment of district. Base state aide for pupil means an amount of state financial aide per pupil. The amount of state aide per pupil is \$3,820 in the 2000-2001 school year in school years thereafter. Again, I take exception with the reason. It is not consistent with Kansas Statute. Reason #3. Site-built homes provide the best long-term investment to the property owner. (end of tape 2)

**CARRAHER:** "We need a motion to give the Speaker Byrne an additional 2 minutes."

**Motion:** To give the speaker an additional 2 minutes."

**Warren** moved, **Barfield**, seconded the motion, and it carried unanimously (10-0)."

**BYRNE:** "Reason #3. Site-built home development provides the best long-term investment to the property owner. All developers that I know want a reasonable return on their investment. However, the report does recommend that any new zoning from mobile home, relegate areas that show a lack of long term of reinvestment and a low potential for site-built development. I question the reasonableness of that. Reason #4. If not properly installed, Mobile Home development could pose a safety concern to be property owners and the community. We fully support that. The organization, and members in the organization, work very carefully with Glen Wiltse and his staff in code enforcement to develop manufactured housing code regulating installation, testing, licensing and inspection and continue to do so. That resolution was passed last year. Reason #5 Mobile Home Development hinders the revitalization and rehabilitation. Yes, we are competing for those same customers perhaps, but to eliminate competition through a method like this is irrecomprehensible. Reason #6. An adequate supply of zoned land, the report on page 2 states the report may have been incorrect, suggests that supply may not be adequate and that the 1997 report may in-fact may have been inadequate. I appreciate your time today and I hope this material has been informative. I will be glad to provide any material that I referenced in my comments if you care for it."

**CARRAHER:** "Are there any question of the speaker? Mr. Garofalo."

**GAROFALO:** "I appreciate you giving us that information. We are in Wichita, not in East Carolina, and I do not know if that was a nation wide report or not. Besides that, do you see a need for new Manufactured Housing zoning in the City or even in the County?"

**BYRNE:** "I cannot answer that question. I am not in the development business for manufactured homes. I do not like to see the manufactured housing industry not receive the same treatment as other things. I understand the Planning Commission's role. I was simply here to address the facts, and I think the facts that are in the report are inconsistent with State statute and other things. I am not in favor of a development in this particular location or any other location. That is not what I am here to address."

**CARRAHER:** "Mr. Michaelis."

**MICHAELIS:** "This is kind of an answer to Garofalo's question, but, I do not know if you realize it or not, but right now manufactured housing consist of 33% of the entire market in the country. That number is growing faster every year than any other segment of that industry. I think to answer your question, is there a need for it, yes, there is going to be a need for it."

**CARRAHER:** "Ms. Osborne-Howes."

**OSBORNE-HOWES:** "I was just curious, you referred to two University reports, and you said that you would offer those up if someone was interested and I would like to see that."

**BYRNE:** "I have the executive summary of them I can get you the full reports."

**OSBORNE-HOWES:** "I would like to have those too."

**KROUT:** "If you could supply those, and maybe get with Toni, and then we will make copies for any of the Planning Commissioners who were interested. We would like to see them too."

**CARRAHER:** "Any further questions of the speaker? Is there anyone else who wishes to speak on this item or against?"

**STAN LAWRENCE:** "My name is Stan Lawrence and I live at 1850 Terry Lane in Andover, Kansas. I am involved in the case that Marvin said do not talk about and I am not here to talk about that. I would like to just briefly go over a couple items in general. I have lived in Wichita all my life, basically except for two years. And I have a very vested in this community as much as you all do. I have family here. I am not interested in working for a company that builds trailers parks, we are not even suppose to say in our Corporation. Our Corporation is based out of Denver. We have about 170 communities. We are here to be a part of the community and to make these trailer parks into Manufactured Home Communities. Yes, we to come in and spend a lot of money. We spent \$5,000,000.00 in the last three years in this community, upgrading the communities. That is all we are here for. We have some existing properties, yes, we have a zoning case, but more importantly, we are here trying to raise the standards of the manufactured home industry as a whole everywhere we go. That is one of our objectives is to get these communities where we are proud of them, where we do not have crime in them, where we kick the druggies out of our parks. When we buy these things, we have methane labs when you buy these things. I mean it just goes on, and on, and on. We want ARC's name, and I want my name, to be associated with somebody all of you are proud of when you drive through one of our communities. That is our goal, and yes, we do raise our rents and when we raise our rents the competition raises their rent and we hope they take that additional money and they go in and clean up their community at the same time. We are trying to raise the bar and we are trying to, when we take a community over, we try to spend time with the community, spend time with the City officials, or County officials and say what is it that you want? What do you guys want? We know we are not welcomed at your doorsteps when we say trailer or mobile homes or manufactured homes. We know that is not a hot item that everybody is in love with, but the fact is, and Jerry you mentioned it, the manufactured housing is here and it is here to stay. I think what we need to focus on is how do we get it improved enough, and improve our communities where they do reside, that we are all proud and we won't have our property devalued if we are living next door to them. That is all I have, anybody have any questions."

**CARRAHER:** "Are there any questions of the speaker? Is there anyone in the gallery wishing to speak?"

**TERRY SMITH:** "Baughman Co. I do have the zone change case that we are not going to talk about. Just a couple of things, I guess the older I get the more sensitive I get, or thin skinned or something. I have a zone case change that is coming up next week. Your report basically shows what I think are some findings of fact of why you should deny my case. To me, I do not know how to do it, it is sloppy. I feel like I need to come up and defend the case next week, even though it is going to no Public Hearing, we will probably discuss the same finding of fact, depending upon whether you defer this or not. I am not going to do that, I can't do that and I do not think that is the intent today. But I think what you find in the report, particularly the six conditions, I find are just gross generalizations of what occurs out there. And because it is going to affect your vote on my case next week a couple of speakers have addressed some of what they think are misinformation that is in the report. On behalf of a number of consultants in town, during the study none of us were contacted. I know from talking with Stan, from ARC in the Industries, he wasn't contacted as to provide some adequate information. I guess the one thing I needed to discuss, because we are talking more specifically about south side manufactured housing parks. If you look at the numbers the consumption rate at one time in the first in 1997, which I got one out of the water on that one it was 12-acres a year absorption rate. Now with this study it was occurring now that 35-acre a year consumption rate. If you look on the south side study, it says there is 82 acres left. That is less than 3 years if you assume those 35-acres a year's absorption rate. If you are going to ask me, somebody could now, I got time, I can answer myself, do we need more zoning? I think we do. I think we need to raise the bar, as Stan has said. The acres that are out there that are undeveloped are undeveloped because we cannot get to it. I think a lot of people would like to get to that acreage, but because somebody else owns it and because other manufactures can't get to the zoning acres, it is unavailable. It is like telling a builder that there is housing over here, so you cannot build over there. A very sensitive area I think. So yes, I think there needs to be some more manufactured housing zoning, particularly in the southside and I will say northside, eastside, even westside, but the southside it is a locational study. If you look at where, what people can afford and where they work, they are there for a reason. I think we cannot ignore that locational guideline that is occurring down there. There is a market and that is where it is occurring today. I think it should be there. I want to get into more specifics, but I cannot because we are not talking about my specific case, although it is in the area. I think the six conditions I find grossly offending myself. But then again, I am the thick-skinned owner I guess. I will stand for any questions."

**CARRAHER:** "Are there any questions of the speaker? Mr. Barfield."

**BARFIELD:** "I have a question, but I do not know who to direct it to, but I'll direct it to you, and if you can't answer maybe the gentleman from ARC can. What is the average cost of a manufactured home today."

**SMITH:** "As my normal philosophy is, I surround myself with experts, I will turn it over to an expert."

**LAWRENCE:** "The manufactured homes on the market today range anywhere from \$30, to \$50,000. Now there are some that go down as low as \$26,000, in that range and there are some that go up to \$70 and \$80,000.00. That \$70 and \$80,000.00 market typically will go out on a land home situation, so most of our homes are in the \$30s to \$60s that general range. What we look at to kind of catch on with that is, we look at if you buy a \$50,000 home. Our lot, by the time we buy the land, develop it, put in the utilities, etc., we need to add \$20-\$25,000.00. Now you will be renting the land instead of purchasing it, but we look at that as if, this as, you are going to rent the land and it is going to be the same as paying on some portion of it. We look at what price market range are we in, we think we are the \$50-80, range, generally speaking."

**BARFIELD:** "That is on the average?"

**LAWRENCE:** "Yes, sir."

**BARFIELD:** "Now Mr. Michaelis stated the rate in which your industry is growing. With that in mind, why do you think there is so much opposition, when you go, or attempt to go into a neighborhood?"

**LAWRENCE:** "It is everywhere, not just here in Wichita. I am opposed to a lot of trailer parks, if you will, myself. You go into so many that are ratty, junkie and they are not kept up, and the units are not kept up. The community is not kept up and that is part of the problem why none of us like them. They have to be kept up. You can provide affordable housing and yet not be embarrassed about having those people, and that community, in your overall community. We have proved that over and over again."

**BARFIELD:** "Does that mean, and I am just asking, is that the perception of a mobile home park?"

**LAWRENCE:** "Yeah. I won't mention any names, I know one of the gentlemen here, he is a good friend of mine that owns mobile homes parks in here, and it is a competition if you will. He started 30 years ago. He started with a trailer at K-15 and 31<sup>st</sup> street. Then it went to another trailer. It has gone on and on. And even they are saying, we need to change the way we do business. We need to raise the bar also. We need to go refurbish these communities and get up to speed and make them look a little better. They are redoing their entrances and they are doing things like that too. It is catching on. Even some of our competition is saying we are going to have to go, or we are going to be out of business. There is still a lot out there that every one of us in this room would drive by and would be embarrassed to be associated with."

**KROUT:** "Here is my question. Doesn't your company have an age limit on the manufactured homes, as part of trying to keep up the standards. And if they do, how do you reconcile that with a previous comment about how manufactured homes should probably appreciate, just like in any other homes do?"

**SMITH:** "The minimal age if you were to bring a new home or a home into one of our communities, it varies from community to community but typically speaking we do not want to see anything much more than 5 years old. Now when you get into older communities, there are older homes in there. Some of these homes are close to 30 years old right now, and they are still providing a good home, I do not know exact values of them, I am not trying to skirt the issue but they are still providing a good place for these people to live. Retirees, there are all kinds of mixtures there. And these homes, if they are kept up, kept painted, just like our stick built home, if they take care of them, they are going to last for many, many years. Did I address it or did I skip around it."

**KROUT:** "Why don't you permit older homes to come into your area?"

**SMITH:** "Pre HUD homes, 1976 or before..."

**KROUT:** "Not pre HUD, but between 5 and 25 years old?"

**SMITH:** "Let's say a 20 year old home, for example. They are not built as manufactured homes. We built trailers in this country 30 years ago. 20 years ago they got a little better. 15 years they got a little better, and each year it goes on they keep adding these things. And what my personal worry is, and I am 53, I got to get to age 65, and get out of this deal. In 12 years I have seen manufactured homes increasing, where they want more bells and whistles. They want sheet rock. They want 2 x 6 walls. They want more, more, and more. They are continually catching up with the stick built. At some point in time the stick built, we are buying modular cabinets, we are buying trusses, we just keep adding more things trying to get our close down as stick builder. I am a licensed builder here in town and so you look at that and at some point in time these are going to equal out if you will. So every year that goes by, they look for ways to improve their product. Just like our vehicles if you will. What we bought 20 years ago is not the same as what we pay for now."

**CARRAHER:** "We kind of got off track. Mr. Smith was the one at the podium and then you were asked back. Mr. Warner."

**WARNER:** "I just want to clarify what Mr. Krout's statement here would imply. Maybe that once you get this home, once it becomes 10 years old, you would get it out. Once that home goes into your park, if it is maintained and kept up, there is no time frame that it is going to have to be taken out of there?"

**SMITH:** "We have many homes that are in there for over 25 years."

**KROUT:** "I didn't mean to imply that."

**SMITH:** "The double wide will be another issue, because when you bring a doublewide in it is practically stick built on site. Those will never move probably."

**CARRAHER:** "Mr. Garofalo."

**GAROFALO:** "I'm curious, your company, what can you give me one or two of your Parks, the names of where they are?"

**SMITH:** "Here locally we have Navaho Lakes Estates up by Park City. We have one called Sleepy Hollow, and that is out at Kellogg and West street". It backs up to the, I mention that one because it used to be Troutens, it backs up to 235, that is where we pulled the methane labs out. It was an absolute disgrace. We are just now getting that cleaned up and starting back the other way. We own Twin Oaks Township, Adora, Sycamore. We have a small one out in Douglass, Kansas. We also have one that is a disgrace right now and that is Ladell Manor, that is out towards Goddard. We bought this. We have some land next to it. It is on dirt roads. We have had all kinds of problems with that and we are cleaning it up."

**GAROFALO:** "So, you have anything South."

**SMITH:** "Adora, Sycamore and El Caudillo."

**GAROFALO:** "Where are they all located?"

**SMITH:** "Those are on S. Seneca. I'd be glad to furnish you a list of all of these. Township and Twin Oaks are around, well we have Sherwood Acres and Glenn Acres and they are at 47<sup>th</sup> and Hydraulic."

**CARRAHER:** "Mr. Warner."

**WARNER:** "I do not have a question, I have more of a comment."

**CARRAHER:** "Can I have you put that on hold? Are there any further questions of either Mr. Lawrence or Mr. Smith? I need to see if there is anyone else in the gallery who wished to speak on this item, either in favor or in opposition. With that in mind, I will move back to the Commission and to Mr. Warner."

**WARNER:** "I think the biggest problem I have with this report and what it suggests is that it creates in my opinion, it creates a false market. It allows a few that already have designation for mobile homes, it increases its value who knows how much, and disallows anybody else from developing future stuff. This does not seem right to me. It seems, I guess if it doesn't seem right, it seems wrong. But it creates a situation where the guy that has got it now, his value is going to go clear up here. If they come and want to buy what is available down south because they can't develop out west, then the guy that owns it is going to do well. So I think there is a problem with this."

**WARREN:** "Well, I totally concur with Mr. Warner's statements. I want to go a step further. We received this report, Agenda Item #5, I read it, and I was appalled. These reports were made to give us factual information. Certainly they are going to be slanted somewhat where they influence us, but we ought to be able to assume that the statements made are of some accuracy. I find this report of all those that I have seen since I have been on this Commission, to be the most biased, the most slanted, the most inaccurate, maybe downright dishonest report I have seen since I have been on this Commission. To that I am ashamed that it's a piece of public information, because as it was pointed out by two or three people, this is totally inaccurate and is made in an attempt to condemn a whole industry. For that, I am upset. As I said, I am ashamed. I agree with Commissioner Warner, this is an effort to control an industry. I do not think there is anything good that can come from that. It is an effort of market control. Again, I think that nothing but bad can come from that. We are talking about 254 acres being available, but we also know, those of us that have been in and around real-estate and development business, you have a lot of acreage out there, but if it is not in the right place, if it is not in the right hands, if it is not with people who are ready to promote it and do something with this, it may be useless. So, for us to determine in our great wisdom that there is enough out there as to us to supercede the free enterprise market system that we have, and again I think that is wrong, it could be in the wrong location and for many other reasons. We do not need to get into that kind of market controlling type thing. I am delighted that these people are here, and I am delighted that they pointed out some of the total distortions that were made in this report."

**CARRAHER:** "I guess I would have a question kind of echoing the concerns of my colleagues, Mr. Warner and Mr. Warren. I know that Mr. Byrne provided some evidence in regards to refuting the points that were made on this report and I am assuming, with the condition that once I read the reports, I would safely say that they, both from Auburn Montgomery, and East Carolina University, both employed the scientific method in regards to reaching their conclusions. I would also ask then, in all fairness, and also to see if we can provide the most information to the Commission, since we are going to have future issues at our next meeting in regards to this topic. In regards to the points on page 3, the 6 points is there evidence as to what this information, these conclusions, were based upon and can that evidence be made available to us. That way each of us as Commissioners can make a fair all around judgement?"

**KROUT:** "Do you want me to respond to that?"

**CARRAHER:** "Yes."

**KROUT:** "I would say that in a couple of cases we should have been a little bit more careful about the wording that we used, and I am sorry about that. It is true that the rate, the taxation rate, is 11 ½ % for manufactured homes. But the information that we have about appreciation is only anecdotal, and it would be hard to go to the tax department and get long-term historical information, but

maybe we will try to over the next month, see if we can do something like that. At least give you something comparable. I am interested in the first study that was mentioned, the first University study which was about the appreciation of manufactured homes vs. site-built homes. The second study that was mentioned was not an issue that we have raised or argued about, which was, what affect does a manufactured park have on nearby site-built housing? We did not address that question, so I'm not sure that that is relevant, although I am interested in that study. #2 I think is just related to #1, the same issue. #3 on site-built homes, I think there is something that should be, I mean you could say let the market take care of it, but I think there is a difference, a fiscal difference and a difference to the homeowner both. When you buy a product, let's say \$60,000, and \$25,000 is the land cost, that land is probably appreciating. You are getting a mortgage deduction on it, and on the cost of the unit itself. You are probably paying 7% interest a vs. higher rate of interest when you buy the manufactured homes. I think you can probably look at how you buy and finance those products and what kinds of deductions are available in the market place and all and raise some valid questions about what is really the life cycle cost of that kind of housing and how affordable is it really and are people, I'm not saying people are being mislead, but I'm saying if they looked at it carefully they may not make the same decisions that they are making now. If properly installed, that comment on #4, I think the representative from the industry said that he agreed with that wholeheartedly. If you are not talking about installation, I think that there still are in the industries some questions that, I do not know if we can get this information for you next month, or of you are interested in it, but I recall reading two pieces of information one from the Center for Disease Control in Georgia, about how they compared the injuries to persons due to high winds events in manufactured homes not on permanent foundations vs. homes that were on permanent and found significant differences. Also the manufactured home, industry's own information indicates that while manufactured homes may not be anymore prone to catching on fire than a site-built home that the fire will spread more rapidly in typical manufactured homes, even the new products, than in a typical site-built home because there is some difference in the nature of the materials. #5 was really a philosophical issue. The representative did not disagree that its computation with older homes that are on the market. It is a philosophical issue whether or not you're controlling the market or not so I'm not sure that's a dent in there I think that is the philosophical issue that you have already dealt with. #6, I think has to do with the factual numbers that are in our report. I think we stand by them. You might say that property is, it may be that some of the undeveloped property is unavailable, but I'm not sure what that means. We hear that a lot, and sometimes it means unavailable because I do not want to pay x dollars per acre for that land. It may be unavailable for other reasons. Maybe what the Commission should think about is if you are going to approve new zoning in some area, and we have more than an adequate supply, if your desire is to keep up with the demand then maybe you should downzone some properties that are unavailable because they are not being used."

**CARRAHER:** "Mr. Warren did you have a comment."

**WARREN:** "I want to respond."

**CARRAHER:** "Please go ahead."

**WARREN:** "Marvin I was not going to take these one at a time, but you have and I think we should. #1 is false, flat out, you ought to admit it. This is a false report. They are taxed."

**KROUT:** "I did say that."

**WARREN:** "Okay, #2, is false. Anybody that knows anything about Brown vs. City of Topeka, the equalization of monies to children and education today, knows that is a false statement. We ought to stand by that. #3, we are talking about investment. I can show you stick built homes that I think people are making a horribly bad investment. They are buying them next to major arterial and doing other things. If we turn down zoning based on that, we would get thrown clear out of here. That would be a horrible reason to even consider a zoning case whether it's a good investment for a consumer. #4, Safety and welfare, again, we can't turn down, or apply or even use that. These are legitimate uses covered by law and if we were to use that as a consideration, even for zoning, we ought to be taken off this board. #5, Competing with other homes, what the hell are we doing? We are not going to control this market, whether your house sells or your mobile home sells. Well, it is asinine to even think we would even consider that. #6 I have already answered, I do not think we know whether there is enough in the right place in the hands of the right people."

**CARRAHER:** "I am sorely disappointed at some of the stuff mentioned in this report. Much like we have people speaking in favor of projects, plans what have you. We expect them to come with adequate and correct information and be prepared to present that if called upon. I would expect the same on our reports. I believe Mr. Warren alluded to it earlier. We, to a large extent, depend on the accuracy of these reports to help guide us in making the right decision. If we have misinformation or disinformation, there is no way we can adequately do that. I just feel that to a great extent, in regards specifically to this report, we have been mislead. That come down to a question of creditability. We have had people come up before us before and have given mis-or-disinformation, and we take them to task for it and deservedly so. I would just hope that in the future that is something we would not have to resort to in regards to these reports. I would like to move forward in regards to this issue. On the speakers list I have Mr. Michaelis, then Ms Osborn-Howes, Dr. Platt and then Mr. Johnson. Mr. Michaelis the floor is yours."

**MICHAELIS:** "I'm not going to belabor this issue and go through those items again because it is kind of like somebody coming up here saying what we do is going to lower tax value, and they have no evidence to base it on. It is purely hypothetical but, a couple of things I think is important, and Mr. Warner hit on one of them. If we start saying this is the only place you are going to do this, we are going to have more problems. We have continually tried to when people come in here, and it is in south Wichita, they say why do not you move it someplace else. We should be taking this map and putting it in other areas in the eastside, northside, westside where we could do that. We should be identifying other areas where they could go, and if we had that, the developers may go there. If it is an option. The other thing I just wanted to touch briefly Marvin, because I think it is important on your analysis of affordable housing. Affordable housing is something that is totally justified by cost. Affordable housing means can somebody afford to live in it. Yes, they are renting it, yes, they are probably not getting the equity back and building everything up, but that is all they can afford. In 1992, I was building entry level houses for \$65,000.00, those houses today are a \$100,000.00. You illuminate that

market and there is a market from \$30, \$40, \$50, \$60, \$70,000.00 of people who want to be in a home. May not like them, but these are homes. There is a lot of them that are being built, modular that is something that is coming. They are actually built better than we can build them on the site. There is more wood in them, they are structurally sounder, and there is absolutely nothing wrong with them. And I think being in this industry, I certainly am well aware of the fact that this is going to be our future. It is going to be the future of how we can keep homes that are affordable and people in, because of the regulation that are coming along with everything and all the land costs that are going into it, we are driving ourselves out of a market. I think you look at affordable housing, do not just look at it from a dollar stand point, but look at it, can that person afford the monthly payment. Because that is what they look at."

**CARRAHER:** I'd thank her for her patience in advance, I would like to hear from Ms. Osborn-Howes."

**OSBORN-HOWES:** "I am not particular impatient or anything, just a comment that I have. It would be helpful to me if I do not know what we are going to do with this, it does not sound like much. But since this is identified as a new report of manufactured housing parts, I would like to have it cleaned up and updated, if I could. If we are going to be using that. One of the things that I always feel is that if staff, and I will say this to speakers too. If staff comments, like they did about the six reasons why they ought to back this up with something. Now we have had one speaker who has taken an issue with it and he quoted a University Study, no offense to Dr. Platt, but since I am also a University person and I do research, I would have to say that some of these research studies are worth the paper they are printed on and some are not. So I am going to hold judgement and I am not going to assume that he gave proper evidence here until I actually take a look at that report. Not just the executive summary, cause they just do not say diddly darn about the report and I will be poring over that. Regardless of that, I would like this cleaned up enough so that we can use that. One question that I do have is that if we say that we need to have more land for manufactured housing and that one place we should look is adjacent to current manufactured housing than that means, and there is more of that in the south, then that means that even based on what the staff is recommending, we are probably going to see an increase in the south. And if that is not what the neighborhood plan is going to speak to then I see that as a potential problem. This was not for a vote, right, but just for discussion, and we have seen some obvious problems with it, and all that I am asking at this point is that it be cleaned up and have an opportunity to look at this one mans evidence, and have staff look at it too. It sounds like, frankly, we have two divergent school of thought here. You cannot have something that appreciates in value, but 15 years from now, it is worthless. Usually that does not happen to stick built homes. Anyway, enough said."

**CARRAHER:** "Your points are well taken Ms. Osborn-Howes and I would definitely like to see that on all ends that we have, all the information regardless of stance on the issues. Just for information purposes be as accurate as possible. Mr. Krout."

**KROUT:** "(Tape 3A-209) Well I guess I just want to say, this was only for information purposes because we knew you had some zoning cases coming up. The main purpose was to identify what has happened with demand and supply for this land use. We did separate out, and you can separate out easily in this report, that factual information about land and how it has been used over the past three years and how it is different from the last study from the opinions and those were clearly identified as recommendations and opinions of staff. I think we could, it is no problem for us to take this and refine it, and maybe turn these issues or the six points into possible issues or questions that you need to ask yourselves rather than for it to be staff recommendations. But I think they are questions that you do have to ask yourself when you look at each one of these cases that are going to be coming up. The last thing I want to point out in the report we point out, as you know, we did recommended a mobile home park and it was approved by the Planning Commission out at Kellogg and Greenwich and that is an eastside mobile home park and on the map and in the report we indicated to you to track over some 100 acres of land out on the westside that we indicated that were appropriate. So it is not like we are trying to just shut the door, I mean, but I think we need to look at these very closely."

**CARRAHER:** "Dr Platt

**PLATT:** "I have a suggestion for Yearout & Associates, if it is possible for them to do it. I think it would be very interesting if in there study in the Haysville area they would take a specific number of acres of land that has single family housing on it and take a similar number of acres in a manufactured housing development; if they can find them roughly, the same vantage and then I think it would be very easy to find out 1) Number of students in each of those discrete groups in the School District. And then the amount of dollars of school tax that each of those discrete pieces of land pays to the school districts (Tape 250), I think that might tell us a great deal about the impact of a manufactured housing development on school community. I do not know if it is possible for them to get that into there study or not, but I think it might be very interesting."

**CARRAHER:** "Ms. Osborne-Howes

**OSBORNE-HOWES:** "I guess I was thinking that they were comparing apples to oranges when the two were talking about school district and the amount of money. And I thought then that, I wanted apples to apples, so I agree with you."

**CARRAHER:** "Is there anyway that we could have a statement or something to address either Yearout & Associates or King MERJ Public Relations addressing that, since they are conducting that group?"

**KROUT:** "Dave you are closer to that studies than I am, we have been encouraging them to move faster than they have been moving. I do not think they are going to be able to do that in the next month. In fact, I wish they had generated more information so that we would not have even been in the position of trying to do the study, having to do the studies ourselves. We are hoping that this will spur everybody into looking at the issue over the next month, more closely so that when the zoning case comes up we will all be more prepared and that committee will also give you their recommendations on whether to approve it, deny it, or hold it."

**CARRAHER:** "Speakers on the speakers list are Mr. Johnson, Mr. Hentzen, Mr. Warren."

**JOHNSON:** "Marvin, it appeared to us, or to me at one time, that we felt like there was too much of this going on in the south end of town, more so than anywhere else, if I remember right. Is staff position still the same on that?"

**KROUT:** "Well we identified, what we try to do is provide you with some information on acres that are undeveloped and zoned for mobile homes and that we have previously identified as appropriate because they are adjacent."

**JOHNSON:** "I guess what I am trying to lead up to is, I am curious if all of a sudden one came in that was, let's say 4 come in, 1 for the north, 1 for the west, 1 for the east, 1 for the south, would staff's position be the same on all 4 of them or would it be slightly different because there is more in the south."

**KROUT:** "Our position on the area in the south is let's hear what the community in the south which is doing their planning has to say about it. So we are kind of throwing it out to tell you whether or not they think enough is enough, or if they think there are ways and places to accommodate the use."

**JOHNSON:** "Well it appears to me that there is a reason that there is a majority of this to the south, and I would think that one of them has to do with, ground water not very deep, hard to dig basements, hard to develop maybe single-family homes where mobile parks compare to work pretty well with the water table is not real deep. I didn't know if from a staff's standpoint if you look at that type of stuff or if we look at a map and say there ought to be so many here, so many here, and so many here."

**KROUT:** "I think that is a factor, but we are also seeing in the past several years, of course, in the same area a real increase in the number of units that has been built traditional site-built homes. We haven't looked very carefully to say do they have basements? Are they in a particular area or not? But the area that we saw just north off of 47<sup>th</sup> and West of Meridian, the area where they were concerned about the access for the mobile home park, I think a growing subdivision, you just approved a plat at the northeast corner of 47<sup>th</sup> and Meridian for single-family and duplexes and there is other development that is occurring down at the Broadway end so we are encouraged by the fact that there is more site-built housing that is occurring than has been."

**CARRAHER:** "Mr. Hentzen

**HENTZEN:** "I want you to have pity on Marvin and his staff, honest because, forgive them, but let me tell you the City of Wichita has hated and has done everything possible to get these trailers houses, or manufactured houses out of the City. That was their answer to everything. Put it out in the County, even when we talked about adult video problems, they said put it out in the County. Now that has been the approach for years. I tell you these staff people, and this is a typical example, they have a lot of trouble justifying that situation. The City has never wanted any trailer parks on their City streets. I am just saying let's be very careful about saying to people that cannot afford \$120,000.00 or a \$100,000.00 house. You cannot get into one of those \$30, \$40, or \$50,000.00 places, or a manufactured home that is air conditioned, heated properly; you can't do that, because we are going to okay the zoning. I just think the argument about the kids in the schools and everything else is a bunch of stuff. I think there is a need for this type of housing. Yes, we have continued to require better bufferage, better spaces in the parks, open space, sometimes entrance gates, adequate ways to get fire trucks in and out and I think we should continue to do that, but to take the attitude to that we have to justify, we are not going to let them in anyway, is a mistake."

**WARREN:** "Mr. Chairman, I would like to go back to the issue that was raised by Commissioner Platt, whereby, I think, I think the question or maybe the statement was to try to get a study as to the impact mobile homes would have on schools vs. stick built homes, I think that was the implication. I do not want to legitimize that question, and I am not sure that is coming from the MAPC. I am not sure that one member or two members ought to be able to direct staff into these kinds of things. I think that thing is made to discriminate against a class of housing. That is what that is all about. I think we could do the same thing if we want to, say well we got some \$65,000.00 houses that were built in shells, and we got some \$120,000.00 houses, should we run a study to see which one helps the school district. I could be wrong, so I guess I am not sure that this Commission ought to stand and allow this kind of study go on, when in fact it is to legitimize a question, that shouldn't even be before us as to which one contributes the most. The State of Kansas is obligated to see to it that monies are equalized from taxes so that each child gets an equal opportunity of education based on dollars."

**KROUT:** "What about local option taxes?"

**WARREN:** "Well you can have some local taxes, but the mandate."

**KROUT:** "But every community has local option taxes that help support the school district."

**WARREN:** "But that is local and they can do that if they want to. The other thing is Commissioner Johnson requested, how do you critique, how do you know where these mobile homes are; I do not think the question was answered. The reason they go south is that is the only place you can get one approved. Try to get one approved northeast; try to get one approved northwest. The only reason they are down there is because that is the only place that anybody will let them go there. We are the ones that are putting them down there. Throw this thing open and say we would like to now spread it out, we are going to have 5 new mobile home parks in the next 5 years and we want one in each quadrant and see how many applications you get. I guarantee you, there are people that get demands for these all over, but we are putting them down south. So hang that on us."

**CARRAHER:** "Well as chair, appoint it into directing staff will do anything, you are correct. Your point is well taken. I asked that merely as a question to see if that was something that was possible. Basically the response I'm assuming I got was that, it can't be done within the time allowed with Yearout & Associates. If somebody, or you as my colleagues wanted to do that, that definitely could be a possibility as the Commission as a whole, but me individually, no, I do not have that power real or imagined. So with that in mind, the next speaker is Mr. Michaelis."

**MICHAELIS:** "I would just like to echo Mr. Warren's comments, because I think they were very well put. The thing I want to add to that, if you were to do some kind of a study like that, I would tell you it would be falsely skewed because the majority of the people that live in a manufactured housing are starting out or ending up, and they are not typically the ones that are going to have the kids going to school. It is usually a stepping stone, they go from an apartment to manufactured home to house, and during that process is when they are raising their children. So I think that is a false way to look at it. The other thing is, Marvin made an excellent point just a minute ago, to the fact that we are putting a lot of single-family stick built homes in amongst manufactured area in the south, and it doesn't seem to bother anybody. It is working. I think that was an excellent point."

**CARRAHER:** "Mr. Barfield."

**BARFIELD:** "I can't speak for Mr. Platt, but I think basically what he was suggesting is we have two different opinions here. One saying that the schools do not receive the same tax, and of course that is unsubstantiated; on the other hand, we have someone saying that they do receive the same tax benefits, and that is not unsubstantiated. Basically, what we are talking about as I understand it is fact finding, because these cases will be presented to us in the future. Second point I want to make, Mr. Warren, I respectfully disagree with you that it is this Commission that is suggesting and putting these in specific areas. I tell you what; if you go to certain areas of the City with a proposal for one of these, you will have so much opposition from residences and that is what I think a lot of us do base our decisions on, so I do not agree that it is this Commission. I think it is the opposition from residences."

**CARRAHER:** "Mr. Warren, no I'm yielding the floor to you."

**WARREN:** "Assuming that that would be the case, are we saying they have secondary residence down there? No, I do not think so. I do not buy that at all. I do not think zoning ought to be predicated upon opposition, or lack of opposition, that is a poor reason for zoning. Now we might listen to residences and their concerns, but to say that we approve it down there because we do not have opposition. But, we do not approve it up here because we do have opposition, would be a poor reason for zoning."

**CARRAHER:** "Mr. Barfield, please."

**BARFIELD:** "Let me just make one final point. I have stated early on, that I am opposed to any type of clustering, however lets look at the other side of this picture. If you start talking about low-income housing, where is the first area that most people think about? Northeast, now if you start to go southeast, southwest, northwest, what happens? We have the same situation. Do not put them there because of neighborhood opposition. The minute that anybody sees a proposal to put low income housing in any other area other than northeast Wichita the telephone starts ringing, the fax machine starts working, okay and it's on."

**CARRAHER:** "I think we have flavored that point, on both sides. Are there any further commentary regarding the report or this issue in general? Seeing none I believe we just."

**WARREN:** "What are we suppose to do with it?"

**KROUT:** "No action, it was for your information, but I think we will do some updating. Speaking of the northeast, I noticed in the map, we showed about 50 acres of land around Hillside and 25<sup>th</sup> street north that was purchased after it was zoned by court, after the City Council denied it and it was zoned by a court mobile home park, we bought it and called it Grove Park. So it is probably not part of the undeveloped land available for manufactured homes in the future. So I think we will try to do some refinement and try to be a little more objective or at least ask questions rather than state opinion and try to correct some of the errors in our report."

**CARRAHER:** "Mr. Hentzen."

**HENTZEN:** "I just want to say something positive, these colored maps, like these are easy to read and understand, I appreciate it and whoever is responsible, just keep doing it."

## **6. Comments on department goals for 2001."**

**CARRAHER:** "Moving on to item #six. Comments on department goals for 2001."

**KROUT:** "Well I do not have my copy with me, so I will have to overlook your if you have specific questions. But we have sent this to the County Commission and probably will have a workshop session with them to talk about some of these items in more detail. We have sent it to the City Manager, and I assume he sends it on to the City Council. But at the end of each year we go through this process and we have sent this to you at this time before to say here is what we have been asked to do, or what we have in mind to do, and try to get your comments before we get to far into the year."

**CARRAHER:** "Yes, Dr. Platt"

**PLATT:** "I think there are some great items on here, and I particularly wanted to comment on item 7. I think that is an objective that might produce some excellent results. I think there has been a tremendous change in public awareness in Wichita about the role of Planning Commission since the Eagle quite having a reporter cover the Planning Commission. At that time, every Friday, after Planning Commission, there would be a major story in the Eagle about what the Planning Commission did. They frequently on weekends would have a major feature story about what went on in the Planning Commission. All of that has stopped about 10 years ago. And I have noticed that a very significant change in awareness since that took place, to the point now that at least young people coming to college almost have no idea of what the Planning Commission is or does or should do, like it used to. I think trying to work with middle school, or high school groups might be a very useful thing for us to do."



**CARRAHER:** "I have to totally agree with the good Dr's. point being one of his former students. If you would have asked me long ago, what the MAPC was or what it did, I could not have given you a clue. Your point is very well taken."

**CARRAHER:** "Mr. Garofalo."

**GAROFALO:** "Before I get to 10, 11, and 18, I wanted to mention on 16, I really think that is something that we need to get on and get on quickly."

**KROUT:** "We are planning on, maybe not two weeks from now, but a month from now, coming back and to talk about that. Remember we had at the retreat, we discussed the subdivision process, notification, but we are trying to find some time when we have a light schedule to talk about that. We also did do a survey, because it was suggested at the retreat. We did a survey of about 14 or 15 other communities, of what they do and do not do in terms of notification, and we are still waiting for a couple of cities to return their surveys to us, so we could finish that out. We want to send that to you at the same time."

**GAROFALO:** "I just had questions on #10. Could you explain a little bit on 10, 11 and 18."

**KROUT:** "Sure, #10 Public Participation Plan: remember when the Federal Transportation officials were here they told us, "we think you are doing a good job about public transportation, particular in the Comprehensive Plan, but you have not put it all together in terms of describing what you have and how you do it." It is mandated. It is a requirement of the report that they are going to send to us on certification, probably, that we outline what is our public participation process, when we are approving the Capital Improvement Programs, the Transportation Improvement Program, when we are doing comprehensive planning. I do not think it necessarily means that we will suggest anything different than what we have been doing, I think it is probably more documentation. Although it may raise some questions, like when we have issues like 37<sup>th</sup> vs. Woodlawn, particular issues where we may have competing cities. We will have to figure how to deal with that. #11 we have talked about before. This is the fact that, as the Census starts to unroll in the next year, we are probably going to learn the urbanized area extends into Butler County, and we are going to be required, in some way, to expand or alter this organization when it comes to making transportation decisions. Maybe, the simplest thing might be to have a representative from Andover/Butler County that we invite in every time you have a decision that is related, like at the beginning of the agenda, to your role as MPO, or maybe something that is more fundamental than that. Most MPOs are not appointed officials they are elected officials. So we are not sure where that is going to lead, but we want to look at what are the options and how are other MPOs organized, and what are they doing. #18 has come up form time to time. It came up recently after a discussion the subdivision committee had a couple weeks ago, about a plat out at 127th and 21<sup>st</sup> Streets. We have a sort of imperfect system, not only when it come to street paving on perimeter roads, but even with water and sewer, where sometimes the developer who is going in first is having to front-end the costs, and it is not always equitable in terms of the people that come in later. They may completely have a free ride if they are on the other side of the street that was built. I am aware that there are some communities where there is a reimbursement process, that when that developer across the street comes in, the City acts as a pass-through, and they are required to pay some money, but instead of it just coming to the City, it is reimbursed back to that developer or his subsequent owner or whatever. So we just want to explore whether or not there may be some fairways of financing improvements by looking at reimbursements."

**GAROFALO:** "The other couple of areas #20, wasn't a new fee schedule worked out last year?"

**KROUT:** "No, we do these every 3 years, so the last time we did it was the end of 1998. So this would be the year."

**GAROFALO:** "#23."

**KROUT:** "Revolving Loan fund is money that we have from Community Development, it is Federal Funds, but it has been increasingly difficult for us to use that fund effectively, between requirements that the federal government has put on us, and requirements that the finance department has put on us, new requirements for lead-based paint, which are going to have a real serious effect on rehabilitation, I think. We have actually suggested trading out some money so that we could use general funds instead of community block federal funds and be able to use that fund more effectively, through encouraged rehabilitation in historical areas."

**GAROFALO:** "That is all I had."

**CARRAHER:** "Mr. Johnson."

**JOHNSON:** "Marvin, along with what you were saying, talking to Frank about on that deal on subdivision, also was there going to be some kind of looking into where this property is developing, being annexed into the City in some cases. The City will not annex 127th or Central or whatever street it is, and that is left in the County or a township which creates a problem, with townships being on limited budgets and all of a sudden lose a lot of their tax base, or whatever tax base they might have, can't take care of those. Wasn't we gonna also take a look at those two issues also?"

**KROUT:** "Yeah, we haven't probably kept you informed, but what we have tried to do is meet on an annual basis with the two public works directors, City and County, and go over what's been annexed, and see if there is anything that has been left out that out to be done and maintenance agreements that ought to be worked out between them, and we actually did that this past year. It got kind of caught in politics for a little while, but the City did finally annex some right-of-way. Including rights-of-way where the City is only on one side of the street, because it made sense in terms of "we will maintain this area, you maintain that area". I think we have worked out a cooperative relationship that satisfactory to the departments. The County is representing the interest of the township

when they do that to the township roads in the County, but sometimes politics does enter the picture and I do not know that we have any control over that."

**JOHNSON:** "Especially when you are sitting on a subdivision, and you are hearing this case and all of a sudden the County says I do not want it, and the City says I do not want it, and then we are going to require them to pave half of it. It is a no win deal no matter what you do."

**CARRAHER:** "Mr. Barfield."

**BARFIELD:** "I have three concerns here. On #14, what portion of the BNSF are you referring to?"

**KROUT:** "The area that we anticipate being abandoned actually runs from about, all the way west of Hydraulic and then curves all they way back up to the main line. We are probably looking, or focusing on east of the canal route. So what we are talking about might connect to the canal route bike path and go east from there."

**BARFIELD:** "#17 on specific requirement for street lighting in urban subdivisions, where are we on that?"

**KROUT:** "We just recently just found out, I can't remember what the context was, that we actually do not have a requirement for street lights to be installed in urban subdivisions. We require that the wires be underground, but we do not actually require streetlights. We had a situation, I guess it was a plat that developed in the county, now it is being developed, and it wasn't originally with streetlights. The developer wants to put the streetlights in, but wants to put them with the overhead wires, and we suddenly realized that we do not have a standard that required streetlights on local residential streets in urban subdivisions. We had sort of a loophole. We all operated under the assumption that we had it, and we do not."

**BARFIELD:** "I have one more, #22, where are we on that?"

**KROUT:** "The survey of McAdams is related to the Neighborhood Plan for McAdams. We did receive money for the Neighborhood Planning Study and we hope to get that going this coming year. On the resources study, our Preservation Planner is working with the State Historical Society to try to get some money that is left over from the past year to apply to the effort. So it is kind of in process, we think there is money available."

**CARRAHER:** "Mr. Hentzen."

**HENTZEN:** "Marvin, I wanted to chime in on what Mr. Johnson was asking. A number of years ago the City and the County were not cooperating very well on these street annexations, but I want to tell you that they have changed that attitude. They have worked out between the Directors of Public Works on both sides, the engineers, that if, and I think it was part of this aggressive annexation that the City had been doing for the last couple of years, but they have worked that out pretty well. I just simply ask you, do not screw it up, they are cooperating, just leave them alone. You see when the City annexes County property, the county no longer has to take care of that street, yet there are funds that they have had in the approved CIP has been money to keep those streets. But now that is going to be paid by the City. So all I am saying to you is they finally started cooperating on that, just leave it alone."

**CARRAHER:** "Is there any further commentary or any further questions?"

**WARREN:** #14. "We spend a lot of time making sure that individuals' rights are protected and that everybody is advised, notified and given all the opportunity. #14, I am not going to get into the constitutional question, but I am a little sensitive to the fact that we may be taking peoples' property when we rail-bank this thing. So I am not just 'gung-ho' on this until I see a declaration by the City attorney that says we think we are right, and we are going to proceed forward and all we need is your okay. I think there is a legal question, a constitutional question, and just to hide our feelings from those people who I think rightfully own that land."

**CARRAHER:** "Mr. Barfield."

**BARFIELD:** "I believe there was a court case, if I am not mistaken, within the last six month, that that land does revert back to the property owners, if I am not mistaken."

**WARREN:** "It has always been that way, the courts have just reaffirmed that. In fact they call us rail-banking, they referred to it as to circumvent the law that it is flawed, it will not hold out, but there again I do not want to get into that. I just do not want to get headlong into trying to take peoples' land and make it look legitimate when I question that it is."

**CARRAHER:** "Any other further questions or commentary regarding the department goals. Are there any other items or issues that need to come up at this time? Before I open the floor for adjournment, just a few things. First of all for those of you have received your Delano plan, please hold onto them as well as those of you who already had them. Please keep these at least until the February 8<sup>th</sup> meeting. One more point, I did receive a response from Mr. Terry Heidner, in regards to the MPO coordination and the I-235 and US-54 Interchange. It is a type of response I was expecting, but more to the point, in my response I have been addressed as chair of the Metropolitan Area Planning Department. So I guess I am the new boss over that and with that in mind, staff: take tomorrow off. So with that in mind, I would like to open the floor for a motion of adjournment."

**Barfield moved, Garofalo, seconded the motion, and it carried unanimously. (10-0)."**

The meeting officially adjourned at 5:30 p.m."

State of Kansas     )  
Sedgwick County    ) ss

I, Marvin S. Krout, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on \_\_\_\_\_, is a true and correct copy of the minutes officially approved by such Commission.”

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2000.”

\_\_\_\_\_  
Marvin S. Krout, Secretary  
Wichita-Sedgwick County Metropolitan  
Area Planning Commission

(SEAL)